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DRUG ENFORCEMENT

HEARING BEFORE THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

A NATIONAL STRATEGY TO CONTROL THE FLOW OF ILLEGAL DRUGS

JUNE 14, 1988

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DRUG ENFORCEMENT

TUESDAY, JUNE 14, 1988

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 10:02 a.m., in room SD-430, Dirksen Senate Office Building, Hon. Edward M. Kennedy (acting chairman) presiding.

Also present: Senators Hatch, DeConcini, and Grassley.

OPENING STATEMENT OF SENATOR EDWARD M. KENNEDY

Senator KENNEDY. The committee will come to order.

The widespread use of illegal drugs is one of the most pressing problems facing society today. The United States accounts for 5 percent of the world population, but Americans consume 50 percent of the world's dangerous drugs.

Day in and day out, illegal drugs kill our children, destroy our families, and corrupt governments worldwide. Vast profits from the sale of illegal drugs have created a new criminal underworld which thrives on violence and feeds on death.

In the work force, the lost productivity from drugs costs tens of billions of dollars each year. We all know there is no way to put a dollar value on the agony of a family whose dreams have been destroyed by the drug addiction of a child.

We are in danger of losing the war on drugs. Recent studies indicate that we are getting little return on the dollars we are pouring into the interdiction efforts. Despite the headlines about attacks on ships at sea and drug seizures at home, for the most part the flow of dangerous drugs continues unabated. Interdiction so far has been an expensive failure.

The problem is not only an increase in the supply of drugs. Increases in their purity and decreases in their retail prices make it easier than ever before to purchase more dangerous doses of cocaine and heroin.

At the same time, there is a growing consensus that we have done too little about the demand side. There are over 6 million drug abusers in the United States. So long as their numbers continue to grow and their demand for drugs continues to grow, we will continue to lose the war.

We need to expend more energy, attention, and resources on law enforcement, education, and treatment. To combat the drug menace, we need local law enforcement programs that work; we need education and treatment programs that work.

It is becoming increasingly clear that intense law enforcement efforts at the local police level can be successful when coupled with enhanced drug treatment and education opportunities.

One of the most important tools in the war against drugs is Federal assistance to increase the number of these successful local law enforcement programs. Local crackdowns have proved to be successful in many regions around the country, ranging from Lynn, MA to Los Angeles, Houston, and Manhattan's lower East Side.

Recreational drug users lose interest as crackdowns make drugs harder to obtain. Heavy users and addicts will seek treatment to eliminate their dependency. Evidence from some programs, especially in Massachusetts and Texas, has been encouraging to that effect.

With respect to drug-related education programs, studies have shown that if we can get to the students before the students get to the drugs, we will have taken a large step towards reducing the appeal of drugs in the Nation's schools.

The real war on drugs is being fought every day on our streets and in our neighborhoods. Illegal drugs are too easily available and drug sellers have too little fear of law enforcement. Adequate Federal assistance to State and local officials is essential to change that situation.

We are pleased this morning to have as witnesses some of the most dedicated and talented individuals with front-line experience in the drug war. Among our witnesses are local law enforcement officials who live with the harmful effects of cuts in State and local enforcement funding.

On Thursday, in a hearing before the Labor and Human Resources Committee, we will examine the importance of treatment and prevention in combatting drugs.

Some of the most effective anti-crime and anti-drug programs today were developed and tested with Federal seed money in the 1970s, but too many of these initiatives have fallen victim in recent years to Federal budget cuts.

If we are serious about the problem, we must make a major commitment of Federal resources to State and local enforcement programs that are successful in reducing the demand for drugs. A strong Federal-State partnership in the years ahead offers our best hope of success in winning the war on drugs.

Our witnesses today include Diane Gourdeau from Lynn, MA. We have Benjamin Ward, the police commissioner of New York, accompanied by Raymond Jones, Office of the Chief of Police. We have Kevin Burke, a district attorney in Essex County, in Salem, MA, and Lee Brown, the chief of police in Houston, and a former chief of police in Atlanta, as well.

I thought we would start off, if we could, with Ms. Gourdeau. We want to welcome you very much for coming here today. I do not know how many times you have testified before a Congressional hearing. We want you to be relaxed. We know you have an important story to tell, and I think your story is one that will hopefully be heard by millions of Americans across this country who are really wondering whether they can make a difference.

You have really made a very, very important difference in terms of the well-being of your community. You have demonstrated ex-

traordinary personal courage and a lot of resourcefulness and intelligence, and because of your activities and some of your neighbors', you have made your community a safer and more livable place for the children and for all of the citizens.

So we want to hear your story, and hope that it will be replicated around the country. We are very glad to have you join with us here today.

Ms. GOURDEAU. Thank you, Senator.

Senator KENNEDY. Perhaps you could tell us just a little bit about yourself and give us your story.

STATEMENT OF A PANEL CONSISTING OF DIANE GOURDEAU, LYNN, MA; KEVIN M. BURKE, DISTRICT ATTORNEY, ESSEX COUNTY, SALEM, MA; BENJAMIN WARD, POLICE COMMISSIONER, NEW YORK, NY, ACCOMPANIED BY RAYMOND JONES, OFFICE OF THE CHIEF OF POLICE; AND LEE BROWN, CHIEF OF POLICE, HOUSTON, TX

Ms. GOURDEAU. My name is Diane Gourdeau. I live in a neighborhood where we had a lot of drug problems.

Senator KENNEDY. Bring that mike down just a little bit closer.

As I understand it, you have been employed for the past 9 years as a machinist in the GE plant where they make the jet airplane engines for the F-15s and 16s.

Ms. GOURDEAU. Yes, sir.

Senator KENNEDY. And as I understand it, you purchased your home in 1982, is that correct?

Ms. GOURDEAU. That is correct, sir.

Senator KENNEDY. Okay.

Ms. GOURDEAU. And when I moved into my neighborhood, it was an area that at the time it was very hard to tell what the neighborhood was like. As time went on, we noticed an awful lot of traffic going in and out of our neighborhood, a lot of cars.

Senator KENNEDY. Perhaps you would tell us just a little bit about the neighborhood so that we get some feel for it. Do you have two-deckers and private homes?

Ms. GOURDEAU. There are quite a few multi-dwellings and there are several single-family homes, and it was part of a run-down area, but that is about all I could afford to buy and I wanted to be a homeowner. I knew nothing of the neighborhood before I moved into it.

Senator KENNEDY. A number of working-class people live in that community with families and children?

Ms. GOURDEAU. Yes. After I got to know the neighborhood, there are a lot of self-employed people, people that work at General Electric itself, and a lot of children.

Senator KENNEDY. Thank you. I think it is just good to have sort of a sense about the community and where you live. It is helpful to know. I think that describes a lot of communities around our State and I imagine in a good many States.

Please continue.

Ms. GOURDEAU. Okay. Through talking with my neighbors, I came to realize that there was a huge drug problem, buying and selling, in the neighborhood, and particularly in and out of one of

the buildings on one street. In fact, we got to call that place the "drug store." That was the name that we dubbed it because it was so busy.

Then we would call the police and tell them that the "drug store" was open, and it really got scary up there. We were seeing guns and fights and people bloodied up from fighting.

There were children in the neighborhood who lived there who were bringing home hypodermic needles that apparently had been discarded, and also empty wrappers of bags that the drugs had come in.

Walking down the street, we used to get a lot of verbal abuse from the buyers and the sellers. I knew they were buying and selling because we used to see them passing things to each other, and sometimes we would even see the money being passed.

Finally, we knew we just had to do something. We had to get involved to put a stop to this. It was really scary to do because we did not know what these people might do to us. We contacted the police.

A big drug task force was put in by the district attorney's office. All our complaints were directed to a special number that was printed in our local newspaper. We noticed that the task force had a physical presence, meaning we saw the task force people; we recognized their cars. I got to know the—then it was Sergeant Labrassa who was involved with the drug task force, and I was able to communicate with him verbally as well as on the phone.

The drug people began to recognize these people, also, because they used to take out their beepers, or they would take out their cordless phones or they would have their own way of signaling the minute that the drug task force would appear up our street, which, by the way, was one way up and one way down. There were no other entrances to either one of these streets.

They started to arrest people. After they were checking them out, they would arrest them, and these people were gradually being driven out of the area and things began to change, and it was very noticeable.

Now, we can walk down the street. The children can play without being scared. We do not feel intimidated by these people and the neighborhood has really calmed down. The dealers have apparently moved out and we do not see all the hookers that used to bring their johns in to buy the stuff.

We certainly feel a lot more pride now in where we live and people have started coming up to buy homes and to live in the single-family homes. And we would really like to see that this is continued so it does not come back and it does not hurt the children of our country any more.

Thank you.

Senator KENNEDY. Thank you.

Now, the kinds of activities that you would notice in the community—what were some of the examples of the disruption in the community?

Ms. GOURDEAU. We would have traffic jams that, you know, you would see on a highway. Really, we would have 15, 20 cars on these small, narrow streets, backing up and down one street trying to get by everybody.

Senator KENNEDY. Was this all day long or was it during the weekends or the night time?

Ms. GOURDEAU. Well, I was at work and from what I heard it was during the day time, and when I would come home after three p.m., it was then and it would go to 1:00, 2:00, 3:00, 4:00 a.m. in the morning constantly. Over the weekends, it was worse.

Senator KENNEDY. Now, you would use the local hot line, and you also indicated that the drug dealers had good communications. How were the police able to get through effectively to make the arrests if they had all of the local communications covered and if the drug dealers and others were able to warn the sellers about it?

Ms. GOURDEAU. I think probably because they were able to expand their program and so they got new faces. If you had too many of the same faces in the area, probably they would recognize them more often, but there were new faces coming up, which we also noticed, and I think that contributed to being able to get into these people.

Senator KENNEDY. Did you find that your neighbors would cooperate, and were they intimidated by the drug dealers or were they willing to cooperate with the police?

Ms. GOURDEAU. At first, everybody was intimidated. I could not talk to anybody about it. They wanted to stay in their own little place, go in their home and stay there. But as time went along and they started realizing that the drug task force was really making a big impact, they started to open up a little more and feel a little more comfortable and safe to be able to speak up and do what they had to do, and also call the hot line and the local police.

Senator KENNEDY. So you noticed a good deal more activity by the law enforcement personnel, by the police and others. Did that intensify? Did you see more arrests during this period, and did that make some impact?

Ms. GOURDEAU. It sure did. It made an impact on the druggies in our area and it made the people in our area feel much more safe.

Senator KENNEDY. Over how long a period did this take place?

Ms. GOURDEAU. Well, from the time when I moved in on May 21, 1983, right up until—actually, this is the first summer that it is very quiet. There is very little—you know, not on our streets.

Senator KENNEDY. Well, it takes some time, does it not, to really clear out?

Ms. GOURDEAU. It takes time and it takes patience on the public to understand that it takes time to get to these people.

Senator KENNEDY. You are satisfied that what we refer to as a "drug task force" really drove the traffickers out of the neighborhood?

Ms. GOURDEAU. Yes, I am very satisfied.

Senator KENNEDY. And because of the crackdown, there is a much improved atmosphere there, is that right?

Ms. GOURDEAU. Yes.

Senator KENNEDY. And you recommend this kind of activity in other communities? Do you think it could be effective in other communities?

Ms. GOURDEAU. As it goes, I only can recommend. I wish I could do more for them because it is needed, it really is.

[The statement of Ms. Gourdeau follows:]

STATEMENT OF MS. DIANE GOURDEAU, LYNN, MASS.

JUNE 14, 1988

SENATE JUDICIARY COMMITTEE

Thank you, Senator.

My name is Diane Gourdeau from Lynn, Massachusetts. I understand you'll be hearing from the district attorney's office about a special task force they set up in my neighborhood a few years ago. I've been asked to describe what the neighborhood was like before the task force came in and what it's like now.

Several years ago, I had been living in an apartment in Lynn, Massachusetts, and like most people, I guess, I had always dreamed about owning my own home. I looked through the real estate sections of the papers, and contacted a real estate company, and they found me a nice little home in Lynn.

I fell in love with the little house---this was back in 1983. When winter started disappearing, along about April or May of '83, I started noticing a change in activity in the neighborhood, just outside my house. Lots of people, lots of traffic, horns blowing, sometimes until 2, 3, 4 o'clock in the morning.

Through talking with some of my neighbors I came to realize that there was a huge drug problem--people buying and selling drugs all over the neighborhood, and particularly in and out of one of the buildings nearby. In fact, we got to call that place "The Drug-store". We later would call the police and tell them, "The drugstore's open!"

It got really scary. We were seeing guns, and fights, and people bloodied up from fighting. There were children in the neighborhood who lived there who were bringing home hyperdermic needles that apparently had been discarded, and also empty wrappers or bags that the drugs had come in.

Walking down the street we used to get a lot of verbal abuse from the buyers and sellers. I knew they were buyers and sellers because we used to see them pass things to each other---sometimes money.

Finally, we knew we just had to do something. We had to get involved to put a stop to this. It was real scary to do because

we didn't know what these people might do to us. We contacted the police. A big drug task force was put in by the district attorney's people. All our complaints were directed to a special number that was printed in the newspaper.

We noticed the task force had a "physical presence", meaning we saw the task force people, and we recognized their cars. The drug people did, too, because they used to take out their portable phones, and use their beepers to talk to each other. But there started to be some arrests, and these people were gradually driven out, and things began to change.

Now we can walk down the street and the children can play without being scared. We don't feel intimidated by these people. The neighborhood has really calmed down. The dealers have apparently moved out. We don't see all the "hookers" bringing their "johns" in to buy stuff.

We certainly feel a lot more pride now in where we live. People have started coming in to buy homes to live in --- single-family homes.

And it's just a much more peaceful place to live.

Thank you, Senator.

Senator KENNEDY. We turn now to Mr. Kevin Burke. We know that you have played an instrumental role in terms of developing this program and that it has had an impact; perhaps you would give us whatever statement that you would like to, and then if you would focus in on this particular street crime program, which I understand you developed and which has been highly successful. We are delighted to have you here.

STATEMENT OF KEVIN M. BURKE

Mr. BURKE. Thank you very much, Senator. I am, of course, awed to be part of such a distinguished panel in discussing this issue, which is important to obviously all of us here today and to many hundreds of thousands, millions of Americans.

The idea of street-level enforcement for the Lynn area and the establishment of a drug task force was born not out of any particularly sophisticated study, but was born out of a recognition that after having been DA for several years and after having tried what would best be termed every traditional method of dealing with the drug problem, including undercover operations which resulted in sweeping arrest, of as many as 80 people in the Lynn community and relatively sophisticated investigations of drug traffickers in that community using electric surveillance, it appeared that we were having little impact on the quality of life in the community. Consequently, I thought that it made some sense at least to try to meet a goal of improving the quality of life in the city of Lynn.

So we attempted to do that by taking the resources in the form of State police officers assigned to us by Governor Dukakis' office and applying them to the street-level enforcement.

They were not undercover. The drug dealers, the pushers knew they were there; they were very visible. As Ms. Gourdeau indicated, we literally announced their presence and the size of their force in the local newspaper and sought the community assistance in dealing with the problem.

In Lynn, a working-class community of 80,000 people, you had certain neighborhoods which were open drug marketplaces. You could obtain drugs, heroin and cocaine, in particular, as easily as you could drive up to the window at McDonald's.

This was having a negative impact as Ms. Gourdeau so articulately stated on the quality of life in the neighborhood. Homes were being reduced in value at a time when multi-family housing stock was at a premium in most places. It was difficult for people to even drive through the neighborhood without being accosted by drug dealers.

So by putting police officers on the street in high crime neighborhoods we felt we would have some impact on that quality of life. The impact was beyond our wildest expectations.

During a 10-month period, by applying six additional investigators to the problem to the High Rock neighborhood where Ms. Gourdeau lives, and using two officers from the Lynn Police Department, were able to reduce robberies, one of the spin-off crime effect of drug use, by 18 percent. Burglaries were down 37 percent, and crimes against the person were reduced 66 percent during the period that we applied our maximum manpower.

These statistics also compared favorably when measured against the crime statistics from across the State. In addition, when compared against the crime statistics in neighboring communities, there was no displacement effect.

Essentially, what would happen through the use of this street enforcement program was that heroin, which was the drug focussed on by the task force, was simply hard to obtain.

By making heroin hard to purchase, we not only affected the crime rate, but what we literally did was drive up the need for treatment. We increased the demand for treatment during that 10-month period by 100 percent.

There is some thought that if you pressure heroin dealers, the real effect possibly could be for an increase in the crime rate because you were simply driving the price up, therefore making it more expensive for the drug, requiring an addict to break and enter, or to commit any one of a number of crimes in order to support the habit.

Our focus was not so much on the money price of heroin, but on the non-money cost of heroin, the difficulty in operating the marketplace.

And as a result of increasing the non-money price, creating a higher risk through visible, effective enforcement, we had the effect of driving down the crime rate, by preventing addicts from having access to drugs and driving them into treatment as measured by a 100 percent increase in requests for services.

There was also a clear additional benefit to this approach. This law enforcement benefit arose in terms of obtaining substantial intelligence from our street level operations to share with other law enforcement agencies.

I do not think that there is a single major drug investigation that does not have as its impetus and genesis good street enforcement; whether it is the street enforcement which results in obtaining the necessary probable cause to begin wiretaps or electronic surveillance or street enforcement that results in obtaining evidence and information from informants and other sources which allows for the service of search warrants.

Street enforcement is the key to the law enforcement aspect of reducing the drug problem, and I think that showed Lynn. For example, we were able to deal effectively with the New York City Police Department and the New York City Drug Task Force as a result of our efforts in tracing the origin of some of our drugs.

I think that the critical aspect that we have all recognized in law enforcement is that we cannot win the war alone. If we increased the number of police officers and strictly approached it from a posture of enforcement, we still could not win the battle.

But we view ourselves—and I think the Lynn street enforcement program, is a particularly good example, as part of a demand reduction effort that is coordinated with other local efforts, such as may exist in the school system and in the work place to educate people on the horrors of drug abuse.

This requires all of us, I think, in the law enforcement area to be aware of the necessity to coordinate the criminal justice system. I think to look at street enforcement or any kind of law enforcement effort as solving the drug problem by simply adding more police

would also fail to recognize the problems created in the courtrooms and in the prison systems of various States, counties, and cities by the enormous influx of drug cases. We must coordinate the efforts of the entire justice system if we truly want street enforcements to succeed.

But I would have to tell you that I think that the street enforcement program is the most effective law enforcement program we have. It complements every other method of law enforcement, including interdiction. It is a critical part of a coordinated local effort, the triad of education, enforcement, and treatment.

I think that it has worked successfully, and I think that if applied properly, it can work across the country. And by applied properly, I mean a commitment of the necessary amount of resources.

We tried a similar effort in Lawrence, MA, a community of somewhat similar demographic make-up to Lynn in the county of Essex, without the same success that we had in Lynn. I can point to two problem areas which impeded our success.

The greatest problem is we simply did not have enough officers to have the same kind of enforcement effort that we had in Lynn. In addition, it was a difficult matter to identify and isolate effectively the drug marketplace.

The drug marketplace in the Lawrence area was greater in scope than the Lynn marketplace. Therefore, it required greater resources and the cooperation and coordination of several law enforcement agencies.

Obviously, Senator, after the Lynn success, I feel that street enforcement is a critical aspect, of effective demand reduction. However, we need the help of the Federal Government to apply this strategy. The Governor has funded, to the extent he has received Federal funds, street enforcement efforts recently, but this has not been enough.

The reduction of local police forces as a result of local tax-cutting measures has impeded the effective operation of these forces in the last several years. This shortage of local police underscores the need for Federal assistance.

Thank you, Senator.

Senator KENNEDY. I would like to just question you, Mr. Burke, briefly and then we will go to Mr. Ward, who I know is going to have to catch a plane shortly; and I want to permit the Senator from Iowa to question.

Just a couple of questions. In your evaluation of what is really effective in coming to grips with this as a district attorney, how would you list the intensified street activity in your own assessment as someone who has been involved as a D.A. for a number of years in dealing with the problem of trying to make the streets safe?

How do you rate this kind of a program? How do you evaluate it yourself?

Mr. BURKE. I evaluate it, Senator, as the best type of program. There is a tendency on the part of all of us, and I am not saying that I have not been guilty of it from time to time, to ply our trade on the 6 o'clock news. To focus on large-scale, sophisticated organizations that might be smuggling kilogram weights of cocaine or

heroin into our areas. From time to time we will have success with that, and it would appear to the people that we are doing our job.

On the other hand, that organization is regularly, consistently replaced by another organization, and the effects on the street and in the community of our efforts are felt not at all.

The measure of the effectiveness of street-level enforcement is very real; it is visible. It is visible to Diane Gourdeau and her neighbors, hopefully. It is visible to us in an analysis of crime statistics, and it seems to me to be the critically most effective way to deal with the problem.

I might add that the information obtained in street enforcement programs is information that we can pass on, and have attempted to, to the DEA and to State-wide agencies, which results in, I think, a more efficient use of their time through the effective focus on those large-scale drug operations that do deal in the kilogram and pound weights of controlled substances.

Senator KENNEDY. How do you respond to the observation that if you squeeze down drug activity in one community, it will open up in another one? This obviously, as I understand from what you have said, did not happen in Lynn.

Mr. BURKE. Well, I think you can take a look at it, again, as I said, by measuring the amount of resources, through our experience, trying to determine how much resource you need to deal with the problem.

I think that in any State—certainly, in the Commonwealth of Massachusetts, there are certain areas, regrettably usually our older cities, that are natural marketplaces and should be the focus.

It would be difficult, if not impossible, for the marketplace situation that exists in Lynn, for example, to move to Swampscott, given the demographics there, so that I do not think it is hard to isolate the marketplace, identify the places of more critical need, and work on them effectively.

Senator KENNEDY. Have you had any indication that once your enforcement operation left Lynn, drug activity is coming back again? Have you got a pretty good sense that you are going to have to monitor it, but it looks like it is holding in terms of the clean-up?

Mr. BURKE. We have done some monitoring and, frankly, our commitment in terms of numbers of investigators working on the problem right now is less, given the demands of the rest of the county.

If the commitment is not kept up, then the problem will resurface. I tend to look at the need for law enforcement in the same way I look at education as part of the drug fight, and treatment as part of the drug fight.

Really, we are talking about a generational approach. Ten months is not enough, a year is not enough. It may be 5 years, or 10 years before a combination of these things truly gets at the drug problem.

Senator KENNEDY. We will come back to this shortly. I do not want to interrupt my colleague, Senator Grassley, but we can come back to District Attorney Burke, if that is all right, and hear from Mr. Ward, if that is an acceptable way to proceed.

Senator GRASSLEY. Yes, please do.

Senator KENNEDY. I wanted to just get an initial reaction from the district attorney, following up Ms. Gourdeau's statement.

We will now hear from Mr. Ward. We are delighted to have you here and we are very grateful for your presence. We look forward to your testimony.

STATEMENT OF BENJAMIN WARD

Mr. WARD. Senator, thank you very much. I apologize for being on such a tight schedule. In fact, as you might know, I was not scheduled to come. I was going to have Chief Raymond Jones, at my left, who is Chief of our Organized Crime Control Bureau, of which the Narcotics Division is just one of several units, testify for me, but I believe that this problem is such a critical problem that it warranted that I rush down here, and I am afraid I will have to rush out.

Very much of what Mr. Burke has said, I would agree with. In fact, Chief Jones leaned over and said to me, he sounds like he is talking about New York. But what Ray Jones is perhaps not aware of is that New York City, the Lower East Side of New York City, and Lynn, MA, were the subjects of studies by the Kennedy School at Harvard University.

The programs are very similar, and although we came at them in very different ways and the magnitude of the problem was very different, the approach has been very much the same, with the same kinds of results.

I will get more into that, but just let me tell you a little bit of how I came to that, which is very different from the way that Mr. Burke came to it. I have spent most of my life in law enforcement, but I took a little sojourn for 8 years off into corrections, and 4 of those years was running State prisons in New York.

In running those State prisons and walking around the yards of Attica and those other major fortress prisons in New York State, as an experienced New York City police officer I saw what I thought were a lot of drug addicts.

I began to ask questions, and I got away with questions to inmates like why are you in here, although inmates generally do not tolerate that kind of question. And I began to see that not so many of them were in there for drugs as I thought.

When I commissioned a formal study, I found that only 17 percent of the population at that time—it is now up above 20 percent—of the New York State prison population were incarcerated for substance abuse-type violations, but that when you looked into the backgrounds of these prisoners, fully two-thirds of all of the New York State inmates that were serving time in those State prisons, and that meant more than a year in prison, were substance abusers, although only 17 percent were convicted for drugs.

That said to me that these people are supporting their drug habits and they are committing other kinds of crimes to get at those drugs, and that thought never left my mind. As I checked with other State corrections commissioners around the country, I found that to be true.

When I came back to the police, I reasoned that the same results that Mr. Burke just spoke about would happen in New York, and

that is that if we attacked the drug problem at the street level where it was destroying neighborhoods and ruining the quality of life that we would improve that quality of life because we would see substantial reductions in street-level-type crimes, particularly robberies, residential burglaries, street larcenies, and all of the kinds of crimes that terrorize people.

So I was sworn in on January 2 or 3, or so, of 1984, and on January 19 I put into play Operation Pressure Point on the Lower East Side, which is very similar to Lynn, MA program, except that we are so large that it is a much larger program.

What we attempted to do there is to bring in our undercover operations, our civilian-dressed, non-uniformed Narcotics Division officer, and make an undercover, covert buy from a dealer on the street, and on the Lower East Side that was no problem at all. We did not have a drug store; we had a drug bazaar in a place called Alphabet City. It is, I guess, probably an area the size of all of Lynn, MA.

People were literally lined up by the hundreds at this time, starting very early in the morning and running to quite late at night, and anyone—you, Senator Kennedy, could have walked up any time and, with a \$10 or \$20 bill in your hand, somebody would have grabbed your money and put drugs in your hand, with no fear of you being a police officer, or not really caring, given what the courts were doing.

We felt that although we were making thousands of arrests in that area, the public did not know about it. There were so many people to replace the ones that we were arresting that it did not seem to have any effect.

What seemed to be needed was a concentrated infusion of uniformed personnel into that area so that we could get the cooperation of the public, the cooperation of the churches and other social institutions, and people would know what was going on.

You had to stop worrying about what the courts did about the case, stop worrying about what the district attorney's problems were with all the thousands of cases that he had, but keep arresting these people over and over again and then retaking those streets with a large commitment of uniformed force.

Now, that is a very expensive proposition, but we did it, and it worked. It not only worked; it has been copied by many, many other jurisdictions. It has been studied, along with the Lynn, MA, and Lowell, MA, experiments by the Kennedy School at Harvard and by numerous other criminologists around the country.

We continue to use it in New York, and thank God that we did because in the latter quarter of 1985 in New York I called my chief people together and told them that crack was going to come to New York. I called it rock cocaine at that time, and said that we were going to have a major problem.

They kind of snickered a bit and said what is rock cocaine, and, you know, we do not have that problem, and cocaine is a recreational drug in New York. It is very expensive and it is not going to be a big problem.

But I had just come from the West Coast and I saw what it was doing in L.A. and in some of the other West Coast cities, and I knew it was going to be a problem. So we got ready for it at the

end of 1985, and by the beginning of 1986 New York had gone from experiencing a crack phenomenon to a full-blown crack epidemic, in which crack and drugs had now moved out of the traditional drug-selling areas and into the middle-class neighborhoods, and not just yuppies were experimenting with recreational use of cocaine, but young people, poor people, old people—equal opportunity abuser.

Cocaine, crystallized and purified into a crack form, was available increasingly on the streets of New York in middle-class neighborhoods as well as poor neighborhoods, to people driving in from the suburbs coming into the poor neighborhoods to buy it and going out.

By the way, by way of edification, it is rock cocaine on the West Coast because it does look like rocks when it breaks up and it is scrambled around. But the way they prepare this stuff, Senator, is they cook it in an aluminum pie pan with a little liquid added and some bicarb; you put it on the stove.

About \$1,200 will get you into business.

If you have got all night to cook this stuff, in the morning you will have about \$7,000 in street value worth of substance you can sell.

In order to put it into a saleable form, you break it up, and as you break it, it goes crack, crack, crack. That is why they call it crack. It is just that simple. You crack it up into these little pieces and put it into these little vials.

Everybody says, well, where do they get these little vials? Well, the little vials were manufactured in Newark, NJ, for women to put samples of perfumes in those little vials. That is what they were for.

But now, the few manufacturers—there is one big one in Newark; we try to keep them out of business—have turned this rather lucrative glass-manufacturing business into something else. So that is where crack came from.

By 1986, this epidemic had hit New York. It started in one section of New York. It started in the section that was convenient to bridges and limited-access highways that would get the middle-class out of Fairfield County, CT, and out of Westchester County and out of New Jersey and into New York to buy their drugs and quickly back over the bridges and back into their suburban communities.

It spread from that point throughout the city.

Because of our success with Operation Pressure Point, we were somewhat prepared to handle that and we increased the size of our Narcotics Division substantially. We now have 1,400 members assigned to the New York City Narcotics Division, which makes it the largest municipal drug enforcement agency in the Nation.

I do not want to embarrass the Federal Government by reminding you of how many people are assigned to the Drug Enforcement Administration worldwide. You will find that we probably have as many people assigned in local jurisdictions as they have worldwide.

Our department employs a three-tier approach to drug enforcement. We attack the uppermost echelons of drug trafficking in New York by engaging in task forces with the FBI, the Drug Enforcement Administration, and other Federal agencies, as well as

the New York State Troopers, who are all part of the task force approaches that we use on enforcement.

One of the reasons why you need a drug czar in this town is the Federal Government has decided—and no one else will agree; none of us at the local level will agree that this makes any sense—they have decided that in New York, and apparently in the country, the FBI will handle the heroin trade and the Drug Enforcement Administration will handle the cocaine trade.

But those of us who are in the business of locking up these people know that we are now locking up the dealers who are barterers. They buy heroin from the Middle East and the Far East and they pay for it with cocaine which comes up from South America.

We have two Federal agencies with exclusive jurisdiction over particular drugs, but the bad guys do not know that they are only supposed to deal with the one drug so that the proper Federal agency can handle them.

We have to split our task force effort between these two Federal agencies, and even more because of the Coast Guard and Customs, because there is no coordination of these Federal efforts at the top level, although at the street level, at the city level, there is a tremendous effort by hard-working, professional law enforcement people.

So our first attack is at that top level for major interdictions of these importers who are bringing in the kilo weights of pure contraband, cocaine being the drug of choice in New York City, heroin having leveled out some time ago, and PCP having never been a really significant problem in New York, although it was a major problem here in Washington, D.C.

At the middle drug level, investigations are largely the province of our own 1,400-person Narcotics Division, which we break into modulars to control the corruption hazards and to give us a good, close span of control.

We go after the middle-level users and we use—contrary to what you have been seeing on your nightly TV programs, we do not use those broad sweeps, with uniformed officers going out sweeping up people off the streets by the 500s and 1,000s because we find that all that we can charge those people with is disorderly conduct or such other low-level statutes that get these people out on the street the next day and sometimes even before the police officer can finish the paperwork.

So we use the buy-and-bust technique. We send undercover people in and we buy the drugs on the street, and then we arrest the seller. We use as much sophisticated technology as we can, including some very wonderful cameras that were perfected for NASA for outer space.

We now can stand off 300 yards and get ID-level photographs with those cameras, way away from the actual scene of the selling. We use surveillance vehicles. We use everything possible.

We began to seize the personal property of the buyers because we sensed that the buyers were as much of a problem as the sellers. There would be no sellers were there no buyers.

So we began seizing the cars first, and a couple of weeks ago we seized our 1,001st vehicle in New York. That 1,001st vehicle was a Mr. Softee ice cream wagon which was dispensing soft ice cream

out of one side of the wagon. The girlfriend was smoking a crack pipe in the back and her boyfriend was selling crack out of the other side of the vehicle.

I might tell you that I also have several Mercedes Benz, BMWs, and stretch limousines, and were the press not so diligent in New York, rather than riding around in the cramped car that I ride around in, I could be riding around in a nice stretch limousine with a sun roof, at no cost to the taxpayers, since we have seized it from some drug dealer, but I use it for undercover activities instead.

Our last level is the street-level enforcement which we used in Pressure Point, starting in the Lower East Side and then moving up to Central Harlem and then onto the 14th Street corridor. Then we were inundated by every neighborhood in New York demanding that they get a pressure point, and that they get it yesterday, not today.

Not having the resources to meet all of those demands, I began to change the name of Pressure Point to a whole variety of other names like Clean Up, Close Down, and everything else, but all applying the same tactic, the pressure point tactic, and that is to get in there with the undercover buyers, make the buys, make the solid felony buys, and back that up when necessary with search warrants; where we drove them off the street and into the buildings, go in and do the search warrant; but most importantly, get the uniformed presence in the area so that the people see that something is being done.

I want to admit that I freely use mounted police, helicopters, turned on the sirens when I did not need them, just to let everybody know that we were there. We brought in—the only dogs that I knew that could sniff narcotics in New York at the time were about half a dozen. Four of those belonged to Corrections, but since I had been the Corrections Commissioner, I knew about that, so we brought them in.

Then we brought in a couple dozen New York City police dogs that could not smell heroin by the barrel full and would not know cocaine if they stumbled over it, but they bark like hell and they look just like the drug-sniffing dogs and the public and the drug users could not tell the drug-sniffing dog from the barking patrol dog. So we put them all out there together.

Gradually, as Mr. Burke pointed out, and Ms. Gourdeau, you begin to discourage these people from doing business in that area and they begin to move on. As Professor Wilson has said about this hydraulic theory of narcotics enforcement, do not just squeeze it. It is not like hydraulics. If you squeeze it here, does it not come out some place else? If you attack it on the Lower East Side or in Lynn, MA, will it not come out some other place?

Well, sometimes it does and sometimes it does not. As Professor Wilson has said after looking at Lynn, MA, and at New York City, it did not happen that way in the Lower East Side and it did not happen that way in several other areas in New York, but in some areas it did.

We are not sure of all of the reasons why it occurred, but on the Lower East Side where the neighborhood had not been destroyed and there still was a semblance of social institutions in there and people that wanted to hold on to their property and people that

wanted to improve those areas, the infusion of law enforcement in a concerted way made a difference.

You began to see changes in that area and people began to change, and if there is any negative side to it at all, I got accused of accelerating gentrification in the area and some people said that what we were doing was driving out the poor people and making the area attractive to rich people, which was not true. We made the area attractive to law-abiding citizens and we drove out those people who were not obeying the law.

In some areas, we have not been as successful. We were very successful in a particular area in Harlem that had a drug problem for over 20 years, over 30 years, similar to what was on the Lower East Side, and we were able to clean up that portion of Central Harlem.

But that portion of Central Harlem, again, is in the midst of a resurgence and it is coming back. The brownstone houses there that were being closed up and taken over by the city have now become extremely valuable and the neighborhood is coming back.

When the government, and law enforcement, in particular, shows both the willingness and the ability to go in and do something, and particularly do something at the street level where people can see it, and make some concerted effort to save the neighborhood and hold on to the quality of life and improve it, then you get the support of the public.

One of the things that we found, as Mr. Burke pointed out, is the level of intelligence that you get from those street-level officers is equal to and superior to what you get from your undercover officers because the public comes to rely on these police officers and they will come out and they will tell you that drugs are being sold by this person at this time on that corner. You get to where they rely on you and get confidence in you, and you will be given really top-drawer information and we followed up on that.

But all of this costs a great deal of money.

Senator KENNEDY. Commissioner, if you are going to have to be out of here at eleven, I know that some of my colleagues want to ask some questions.

Mr. WARD. I wanted to just make one point, Senator, and then I will stop. I am a law enforcement person and I want to tell you that having said all of these things, I do not believe this problem will be solved by law enforcement or by the criminal justice system.

What is needed here is education to cut the demand side. You need programs that provide treatment upon demand, and finally we need increased money to provide increased detention space.

The law enforcement people will do the first part. We will do the enforcement part, but if we do not get a greater commitment from the Federal Government by first getting their own house in order and getting coordination by knocking out some of the competition between the Federal agencies, and then getting more money from the Federal level to provide treatment on demand and to provide educational programs—I should not be in the public schools as I am, to the tune of \$15 million of New York City police budget doing drug treatment and prevention programs in public schools. That is an area for the Board of Education, and it should be backed up by a strong Department of Education at the Federal level.

Thank you.

Senator KENNEDY. I know your time is limited. There are just two areas I would like to cover quickly.

We are going to have to make some judgment about what is going to be done in terms of interdiction, what is going to be done in terms of law enforcement, what is going to be done in terms of education, and what is going to be done in terms of treatment.

Now, do you have any guidance for us on it, your own kind of evaluation as somebody who has been dealing with this issue. Do you have a ballpark assessment?

Mr. WARD. I think if I had to put them into a priority order, I think that you ought to consider education and prevention activities as number one, and then interdiction programs as number two, doing whatever is possible to stop this stuff from coming across the border in the first place, and then more enforcement and coordination of your law enforcement agencies.

It is only New York and a little bit of L.A. that are involved in these task force approaches with the Federal Government, and then the Federal law enforcement agencies themselves are not integrated. So that would be number three, agency coordination. That is probably going to take somebody like a drug czar and somebody with resources.

Finally, treatment, and treatment on demand, because one of the spin-offs from the Lower East Side—I do not know whether it happened in Lynn—is that I was forcing people into treatment programs faster than there were treatment slots opening up and you were faced with 6-month waits if you wanted to be in treatment.

Finally, research to do something about this, I think, would be number five.

Senator KENNEDY. There have been important side effects in terms of the reductions of other kinds of local crimes where you have had the intensification of enforcement, but are you satisfied that you can really make an impact in terms of a permanent reduction in those communities, without absolutely unrealistic kinds of resources in terms of manpower and communications and all of the other necessary resources?

Do you think that you can really have something that is going to be meaningful and going to be lasting, or are we going to be just squeezing the balloon and pulling it in here and pushing it out there?

Mr. WARD. It depends on the area that you are in. There are many areas today in New York and in other cities that have a drug problem that are very amenable to the kinds of operations that we are talking about, an infusion of street-level enforcement, the cooperation of the community, people that are interested in saving their communities. Some infusion of treatment money and educational money, I think, would cut the demand side and would have permanent effects.

Now, if you want to go into an old-line, inner city neighborhood that is crumbled and is maybe passed recovering without a total restructuring because urban renewal has just removed the buildings and everything else, then that is going to take a much, much longer time to do, and just putting in a large number of uniformed officers and undercover buyers will not do it.

But these neighborhoods like Southeast Queens where Congressman Flake is now struggling, and we are working with that area, that would work. It worked in Lynn, MA, it worked in Central Harlem, it worked in Alphabet City.

There are many, many neighborhoods where crack, in particular, is making this impact where you would see permanent changes, in my opinion.

Senator KENNEDY. Senator Grassley.

Senator GRASSLEY. Mr. Chairman, first of all, Senator Hatch has a statement.

Senator KENNEDY. His statement will be inserted in its entirety. I take note that Senator Hatch was here at the hearing earlier.

[The statement of Senator Hatch follows:]

PREPARED STATEMENT OF SENATOR ORRIN G. HATCH

Mr. Chairman, I would like to thank you for holding this hearing today to discuss the important issue of drug enforcement.

Drug trafficking, drug abuse, and drug related crimes are the greatest social threat facing the United States today. The repercussions of these activities extend into most of the other elements of our lives and play a significant role in many of the other social and economic ills that we must address.

One of the most alarming extensions of these activities is the increasing influence that they have in the lives of our nation's youth. Local and national publications and news reports continually reminds us that these activities are now being routinely conducted by junior high and grade school aged children, who are easily swayed by the lure of large sums of money, but who do not yet comprehend the often deadly results of their actions.

Given the widespread effect of drug abuse, it is not surprising that this issue continues to rank high among the areas most often cited by citizens and interest groups as a problem that deserves increased national attention. And that is precisely what is happening. This Administration has repeatedly committed itself to increased enforcement and interdiction, nationally and internationally, on both the supply and demand sides of the problem. And every year Congress has increased its oversight activities and enacted new legislation in an effort to find effective solutions.

This year we have already taken several tough approaches to improve the enforcement efforts and penalties and there are currently several efforts under way in both the Senate and the House to combat other drug related problems. Everyone is trying to develop national priorities in these areas, and hearings such as the one we are holding today are helpful in focusing our efforts.

I would like to join in welcoming the witnesses who will appear before us today. I am interested in their comments, and hope that they have some valid recommendations with regard to the evil influence that this menace is asserting on our youth. It is also important that we learn which of the many programs funded by the federal government are most effective and where we should concentrate our efforts in the future.

Thank you Mr. Chairman.

Senator GRASSLEY. I would also like to submit a statement of my own.

Senator KENNEDY. Your statement will be included as well.

[The statement of Senator Grassley follows:]

PREPARED STATEMENT OF SENATOR CHARLES E. GRASSLEY

Thank you, Mr. Chairman for holding this hearing today. This compliments many of the recent efforts of the Congress to address what is considered by some to be one of the top national security threats facing America.

Tragically, drug use and abuse by over 23 million Americans—one out of every ten in this room—are responsible for many of our Nation's problems: low work productivity, impaired military preparedness, decreased motivation for educational excellence, increased violent crime, and public and private corruption.

In fact, a recent New England Journal of Medicine article reported that more than 40 percent of doctors in hospitals use illicit drugs.

Drugs are still readily available and drug abuse is still a major problem despite the best efforts of local, State, and Federal law enforcement personnel. While statistics indicate that overall drug use trends are down for the public as a whole, drug use has stabilized at extremely high levels.

However, hospital emergency room admissions for various kinds of drug-related health problems is more pessimistic. The number of cocaine-related hospital emergencies more than doubled between 1982 and 1986; and the number of criminals testing positive for drugs continues to rise.

And, in a 1987 report, the Department of Health and Human Services has concluded that "... it is possible that the overall prevalence of use among high school seniors may continue to increase over the next several years."

I believe that we must address both the supply and the demand sides of the country's illegal drug problem by building upon the momentum of the Nation's new-found awareness that we are in the middle of a war—a war that may rival any that have confronted this Nation.

In fact I believe very strongly that our survival as a civilized people depends upon reducing the corrosive influence of drug-related substance abuse on our society.

Interdiction of the supply of illegal drugs into our country has not been able to raise the price—both in terms of economics and personal liberty—enough to substantially reduce drug abuse.

In fact, spending on drug interdiction has risen from \$372 million in fiscal year 1981 to \$777 million in fiscal year 1987.

Seizures of cocaine have grown from 1.7 tons in 1981 to 27.2 tons in 1986.

Despite these efforts, in 1987, the State Department reported that "narcotics production was up all over the world."

The Washington Post recently reported that "for every ton of cocaine seized in South America, five tons make their way to the United States."

Domestically, the number of Drug Enforcement Administration convictions doubled, from about 6,000 to about 12,000 while the number of FBI convictions rose from 43 in fiscal year 1982 to 2,791 in 1986.

Laboratory seizures, marijuana eradication, and other drug enforcement successes are also up dramatically.

Penalties have also increased substantially. The average sentence of DEA convictions rose from 51 months to 61 months between 1982 and 1986; the average penalty for cocaine offenses rose by 35 percent, from 48 months to 65 months.

The drug problem would be worse today in the absence of these efforts. However, to win the war, we must begin to address the demand side of our drug problem, as well as continue our attack on the supply side.

Our assault on the demand side must include efforts to make our schools, our workplaces, and our transportation systems, at all levels of government, drug free.

We must continue to refine and develop drug interdiction—both at our country's borders and in drug-source countries—and domestic substance abuse education programs. However, these efforts—by themselves—cannot be expected to reduce drug use and abuse by Americans.

Although they work, pay taxes, and vote, a serious attack on the demand side of our drug problem means telling the 23 million drug users of America, "change your behavior!"

We must make it clear to the drug user that the continued use of illegal substances will no longer be swept under the rug—they can expect to pay a price for the use of illegal substances.

I'm not talking about locking them up and throwing the key away. This kind of sentencing is not appropriate and I don't see how it can serve any useful purpose. Setting penalties so high that society is not willing to apply them, or is only willing to apply them selectively, is counter-productive since it erodes faith in the system and it creates a double standard.

However, through increased probability of detection and prosecution, I am speaking about paying a price in terms of personal liberties and privileges that Americans have come to expect, almost as a matter of right—such as the revocation of driving privileges, suspension of eligibility for selected Government programs, supervised probation and rehabilitation and even some asset forfeiture, rather than long-term prison sentences.

Drug testing is another means by which we can increase the probability of detection. Over 50 percent of Fortune 500 companies have instituted drug-testing programs that have resulted in dramatic reductions in drug usage by company employees.

The Navy's comprehensive drug-testing program reduced drug use from 33 percent in 1980 to 10 percent in 1985. The Southern Pacific Railway, which has had a

drug-testing program since 1984, reports that drug use has been cut by 75 percent. We can also control the demand for illegal drug use with effective and realistic education campaigns. People must be aware of the properties of various drugs and the risks associated with their use.

We must first identify who uses these substances. Once we do that, we can target the information they will receive.

Programs for committed drug users should encourage the prevention or delay of drug use.

Programs for former users should reinforce the decision to stop using drugs.

Programs for problem drug abusers should change the pattern of drug use and reduce dependence.

We must make drug education more effective by specifying our goals and objectives; by taking into account the personal history of users and non-users alike; by acknowledging the reinforcement received by drug users; by linking drug education with other curricular activities to reinforce more direct drug education efforts; by meaningful implementation of education programs; by the efficient management and allocation of resources; and with realistic evaluations to determine how well the programs are doing.

Certainly, the drug addict should have an opportunity to reform—however, we should also have compassion for the victims and the potential victims of drug-related crime and for future drug users who will ultimately be made to suffer if our fight is not successful.

I look forward to the testimony we will hear today.

Senator GRASSLEY. I think that the point that you made that we cannot rely entirely on law enforcement to solve this problem, is a very key point, and I agree with that.

You spoke about the demand side in the war on drugs. I would like to know what you think the Federal Government can do that will help in the attack of the demand side. I want you to comment on some suggested means of attack on the demand side—encouraging States to make use of asset forfeitures to a greater extent; in conjunction with the use of Federal funds, ineligibility for government loan programs, and I am not talking just about student loan programs, but all government programs; in the case of drug-free schools, limiting funds to only those schools with zero tolerance programs, with parental notification, automatic suspension, and drug testing in schools; withholding funds from colleges that fail to implement provisions of the 1986 Higher Education Act requiring drug-free campuses; and programs on the State level involving the automatic revocation of drivers' licenses for those who test positive for drugs.

Would you comment on these or other suggestions, or are you referring to other approaches?

Mr. WARD. No. You know, I guess I certainly was not giving an awful lot of thought to that because, quite frankly, much of what you said—and it is very difficult to remember the list; it is probably about a dozen long there.

But I do not think that you are going to have very much effect by telling someone that he cannot have a driver's license if you pick him up in possession of drugs. Certainly, it is not going to have any effect at all if he is selling drugs; he can well afford a chauffeur. So withholding his driver's license is not going to do any good at all. In fact, probably what you are going to do is have more people driving around without licenses.

Penalizing the entire educational institution because you have a policy of zero tolerance towards drugs in a school that is receiving Federal funds is like trying to hold the captain of the Queen Mary

responsible for someone possessing a roach or a marijuana joint on there.

So I think those programs sound tough.

Senator GRASSLEY. But, sir, I do suggest that that gets other people involved in the enforcement of drugs other than law enforcement people.

Mr. WARD. There is no question about it, but I think the kinds of areas where you want to get people involved—you want to get professionals involved in training. As Mr. Burke told you, it is going to take a long time to solve this problem. It did not come overnight.

We concentrate on the fifth and sixth grade in our schools. Those kids are not major problems on our streets; they are not the problem in Lynn, MA. Why are we spending so much police and board of education money on those kids now? Because we want to prevent them from becoming the next generation of users.

So you are going to have to get drug education programs out. You are going to have to induce the private sector. The American Medical Association told us that cocaine was non-addicting. They now have to tell the world that cocaine, particularly in crack form, is highly addicting.

You are going to have to get the educational piece out there, and I think saying things like I will not give you a driver's license is not going to help with that.

Senator GRASSLEY. I am not disagreeing with you, sir.

Mr. WARD. Yes.

Senator GRASSLEY. You see, I am continuing from the point at which you stated some of the things that need to be done—education, rehabilitation, law enforcement, interdiction. But you went beyond that point to state that we need to attack the demand side.

Mr. WARD. Yes.

Senator GRASSLEY. So that is what my question is. I am not disagreeing with anything you said. It is just how do you go after the demand side?

Mr. WARD. Well, there is no panacea to do it, you know. As the Muslim who started that program up in Brooklyn patrolling those 40 buildings in Brooklyn, and it was copied here in Washington, DC, said, you know, take a look at what is happening on TV and see how they sell razor blades and shaving cream, and other tactics.

How do you sell to America that there are no recreational drugs and there are no good drugs and that all drugs are bad? What does the Federal Government and the State government and the local government do, and what does the private, non-police, non-law enforcement sector do about making young people and all people understand that drugs are bad and that if you become involved in drugs, you are probably going to have a bad end?

You start that at pre-K and you continue it right through college, and you just keep on selling that so that people do not go to parties and start sticking straws up their nose and thinking it is okay to sniff this white powder up your nose, because it is going to burn right through that little lining between your nostrils and ultimately it is going to do you some pretty severe damage.

Marijuana will hang around with you for 30 days and start to interfere with your reproductive abilities, and a whole variety of

things. That is an educational campaign. Just holding a stick over someone's head, whether it is saying I am going to lock you up or I am not going to give you a license or I am not going to give you a student loan, I do not have a lot of confidence in that.

Senator GRASSLEY. I do not think we know for sure. I am not throwing it out as an answer. I reiterate—what are we doing to get at the demand side? It seems like you get at the demand side by raising the price. Interdiction is not raising the price.

Mr. WARD. Let me say that I think the fact that you talk about it is important because that will get you talking about some things that perhaps will be particularly effective and you will start to draw other people into the problem besides the criminal justice community and thinking about doubling sentences, et cetera.

So I am not opposed to discussing these things. I just do not think that there is any one easy way. The notion that you have to cut the demand side has to go beyond just saying no and it has to go beyond just putting in money. It really has to put the best minds that America has together, including criminal justice.

Senator GRASSLEY. In closing, if there is just a simple understanding that interdiction, as an example, using the military as an example, is a solution to the problem, we have accomplished quite a bit. But I am not so sure that a major portion of the country, particularly politicians, want to use that approach as opposed to dealing with the tough issue you brought up. How do you get to the demand side?

Mr. WARD. I have to go, but I want to tell you, when it comes to the military, I went out to the Air Force bases and I went out to the SAC headquarters. If you would call in your Air Force people and take a look at what our radar screen is covering and what that radar screen was built to cover, it was built to cover ICBMs that go up very high and come down. It was not built to deal with low-flying, slow planes.

We do not get seizures of more than 1,000 pounds. The smugglers know to put their drugs in under-powered, low-flying, slow-flying planes that the military looks at and puts an "F" on the radar screen and says "friendly," and that friendly plane is a friendly smuggler and he is coming in under 10,000 and he is coming in between holes in our radar screen that you could slip the whole State of Massachusetts through because we are worrying about an ICBM coming in from the north and this guy is flying in with a Piper Cub from the south.

Senator KENNEDY. Commissioner Ward, I know you have got to go. Senator DeConcini has been a real leader on drug enforcement issues in the Senate. He will just take a couple of minutes.

Senator DeCONCINI. Mr. Chairman, thank you.

Commissioner, I will not take long, but you raised the point about the military using its detection capabilities at the wrong target. Are you aware of the new resources the Coast Guard has, the aerostat balloons and E-2C planes?

Mr. WARD. Yes. I wish we had them in New York and up around Boston, and any place in the Northeast, because that is where—.

Senator DeCONCINI. Do you think it is worthwhile for us to continue using that type of equipment for interdiction and surveillance?

Mr. WARD. Absolutely, I think that would be worthwhile to do that.

Senator DeCONCINI. And secondly, Commissioner, I want to be sure that I understand. You indicated that taking the time of police officers and putting them in classrooms would be better handled by education.

You are not suggesting, are you, that programs like DARE and programs where police officers do go into the classroom should not be part of an education program. You are saying that there should be additional funding from other sources for these police officers?

Mr. WARD. That is right. I do not want to change those programs. Darrel Gates out of L.A. has DARE. Our program is called SPECDA in New York; it is very similar. Mickey Roach up in Boston has a program that is copied from New York.

Senator DeCONCINI. And those programs work very well?

Mr. WARD. They work very effectively, and I would like to keep the police officers in there. It really takes an awful lot of money. We could use some help in that resolve. I do not want to cut that down.

In New York, we find that the board of education is not equipped to handle it. The police are handling it almost totally.

Senator DeCONCINI. Commissioner, you said we have got to work on the demand side, education and treatment and things like that?

Mr. WARD. Yes.

Senator DeCONCINI. But it is clear from the tremendous influx of drugs that you have in your jurisdiction that my observations—and please correct me, as I am sure you will—are that you do not have enough resources on the street side, for arrests and apprehensions. You need better equipment; you need more dogs that can find the drugs. You need voice silence equipment for some of your undercover people who may not have it, and you need more personnel, more undercover cars; you may need a flash roll.

Do you believe the Federal Government should assist local governments on the apprehension side?

Mr. WARD. I certainly do, and I want to thank you and everyone else here that was involved in seeing that that provision of the omnibus crime control bill was not scrapped, which allows the forfeiture money to be turned back to law enforcement.

I can tell you that our training films in New York, which we gave to Boston free of charge, by the way, all were paid for by narcotics sellers because we confiscated their monies.

Senator DeCONCINI. Thank you.

Mr. WARD. We certainly need all of that, and more.

Senator DeCONCINI. Thank you, Commissioner. I want to thank you very much for the outstanding leadership you have put forward here.

Senator KENNEDY. Thank you, Senator.

One thing that we have found in my own State is the educators and the law enforcement officials have been at odds with each other rather than working together. We are seeing some rather innovative programs, however, up in our own communities in bringing educators and law enforcement officials more closely together because they have the common interest, obviously, in the well-

being of the children, and that is something which we certainly ought to encourage.

Mr. WARD. I will be up there on the 15th meeting with your Governor and the rest of the law enforcement people in Massachusetts.

Senator KENNEDY. You have been enormously helpful, Commissioner. We know you have to leave now, but we are not going to let you get too far away as we try to come to grips with this.

Mr. WARD. Thank you very much. Thank you.

[The following letters were subsequently supplied for the record:]



U.S. Department of Justice
Drug Enforcement Administration

Washington, D.C. 20537

JUN 29 1988

Honorable Joseph R. Biden
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

It has come to my attention that during his appearance before a Committee on the Judiciary hearing on drug enforcement on June 14, 1988, New York City Police Commissioner Benjamin Ward testified concerning New York City Police Department drug enforcement efforts and relationships with federal task forces. During his testimony, which appears on page 31 of the hearing transcript, Commissioner Ward testified: "...in New York, and apparently in the country, the FBI will handle the heroin trade and the Drug Enforcement Administration will handle the cocaine trade."

Lest the record be left with such a gross misrepresentation of fact, I am writing to assure the Committee that the Drug Enforcement Administration, not only in New York City but worldwide, aggressively enforces all Federal drug laws against all controlled substances, including cocaine and heroin. As trends change and a particular drug becomes more abused than another, the DEA will adjust its emphasis in order to combat the latest threat. Currently, the DEA's priority is cocaine due to the increased influx of and abuse of cocaine. Consistent with that priority, DEA's New York Division committed 58.1 percent of its Special Agent workhours on cocaine investigations, and 36.5 percent of its workhours on heroin investigations during Fiscal Year 1987.

I would appreciate having a copy of this letter included in the record of the June 14, 1988 hearing.

Sincerely,

John C. Lawn
Administrator



THE POLICE COMMISSIONER
CITY OF NEW YORK

June 30th, 1988

Senator Joseph Biden
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

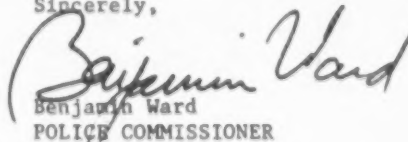
Dear Senator Biden:

This is sent to correct the record of my testimony on June 14th, 1988, before the United States Senate Committee on the Judiciary's Hearing on Drug Enforcement.

My comments regarding the exclusive jurisdiction of the Federal Bureau of Investigation over heroin and the Drug Enforcement Administration over cocaine were in error, at least in relation to the New York City area. In fact, each agency now commits enforcement efforts against both drugs here. An earlier effort to carve out areas of responsibility, based on the type of drugs involved has been abandoned in the New York City area.

The working relationship that the New York City Police Department shares with the New York offices of both the F.B.I. and the D.E.A. is excellent and has never been better. My testimony was in no way intended to demean either agency here. It was meant to encourage a stronger and more coordinated federal effort, both nationally and internationally, against the illicit drug trafficking that comes to our shores.

Sincerely,


Benjamin Ward
POLICE COMMISSIONER

/nlm
cc: Robert Stutman
James Fox

Senator KENNEDY. We will turn to Chief Lee Brown and then we will come back to the others. Chief, we are delighted to have you here and we are very grateful to you for coming.

STATEMENT OF LEE BROWN

Mr. BROWN. Thank you, Senator.

I am Lee Brown and I am the Police Chief of Houston, TX. I am also Vice President of the International Association of Chiefs of Police. My appearance here today, however, is in my capacity as police chief of the fourth largest city in America, a population of 1.7 million people, serving as the hub of a metropolitan area of about 3 million people.

Let me begin by expressing my appreciation to you, Senator, and members of the committee, for taking such an aggressive and important interest in what I, along with many of my colleagues, believe to be the number one problem confronting America at this time; that is, the illegal drug problem.

I believe the problem has reached a point where if we do not take some decisive action we are going to see a destruction of our society as we know it today. On the streets of our cities, we find that drugs are destroying individuals, destroying families, destroying neighborhoods, and now are on the verge of destroying many of our cities.

I, along with other police chiefs throughout America, see this problem on a day-to-day basis and my message to you today is that we need assistance in our cities to address this problem.

Similar to what Commissioner Ward had to say, we, too, address the problem at various levels. We involve ourselves in the upper level and in doing so, we have a good working relationship with the Federal agencies, FBI, Customs, IRS, and DEA. We also, through our Narcotics Division, spend a lot of our effort and time on the middle level.

Where we need help is on the street level because that is where the drug trafficking is destroying the quality of life in our neighborhoods. The lowest level, the street level, is where the dealer ultimately sells to the user, and most often in small amounts of single dosages. The drugs that are sold at this level are usually the lowest purity and cost the most for the amount of narcotics involved.

Investigation at this level is not as complicated as is the case at the higher levels of distribution. The street dealer is the person who comes into direct contact with the largest number of people involved in the illegal drug industry, and that is the user.

The amount of drugs and money seized at this level is usually less than the case at the upper levels, but the arrest rate, is generally higher. The arrest of a street dealer can, and our experience suggests often does, disrupt the user's supply and can even temporarily displace the geographic distribution of the drugs.

This becomes extremely important when we look at the fact that the trafficking often is visible in residential neighborhoods, around our schools and parks and other public areas. This level of drug-dealing is extremely important because this is where the user is actually identified and often sought out by the dealer. The street

dealer may even introduce customers to narcotics as a means of creating a demand for his product.

Let me talk just briefly about our experience in Houston and describe for you the problems we see, and then share with you a couple of approaches we have taken in our efforts to address the problems.

Unfortunately, the city of Houston is becoming one of the Nation's major distribution hubs for drugs. That is the case because Texas has a virtually unguarded coastline; and a virtually unguarded border with another country. Our city has two major airports, many small airports, and we are also the Nation's third busiest seaport. We have all the elements necessary to make our city a major trafficking center for narcotics.

When we look at what is occurring in our city, we find that cocaine seizures in 1987 increased 351 percent over that for the previous year. The marijuana seizures increased 66 percent in 1987 over 1986. Our methamphetamine seizures were up 184 percent. We see an even greater increase in 1988 for the time that has passed so far.

We are involved in a project with the National Institute of Justice called the Drug Use Forecasting (DUF) Program. We are finding, just as Commissioner Ward pointed out, that well over 60 percent of the people that are tested after being arrested for serious offenses other than drug violations had used drugs immediately prior to the time they were arrested. This tells us the drug problem is driving the crime problem. Our drug-related homicides are up almost 50 percent for this year.

Although it is impossible to provide an exact estimate of the amount of narcotics coming to Houston, we can judge the availability by the changes in price and the amounts seized.

In 1987, for example, our undercover officers were regularly negotiating prices for a kilogram—that is, 2.2 pounds of cocaine—at a price of \$45,000 per kilo. In 1988, the cost is \$10,500 for the same amount. Clearly, the supply had increased significantly, and since there were more street arrests, we believe that the decline in price was not the result of a decrease in demand.

The purity of cocaine at the street level is another indicator of the increase in supply. In 1985, the purity of a gram of cocaine was about 25 percent. In 1987, it was about 75 percent.

While there was not a drastic reduction in price at the street level, there was a significant increase in purity.

A major factor that is compounding the narcotics problem in Houston and other cities throughout the country is the introduction of crack cocaine. Crack provides the user with a lower cost and higher purity per dosage.

The upsurge of crack on the drug scene has created, our city being no exception, an uncontrollable number of drug-dealing locations on the streets.

For example, during the first quarter of this year, we were able to identify 266 locations where drugs were being visibly sold on the streets or in apartment houses.

The number of individuals selling at those 266 locations ranged from three to eight at any given point in time. Unfortunately for the neighborhoods, this visible street-dealing is generally concen-

trated in our inner city low economic areas. The result is a deterioration in the quality of life, higher crime rates, and increased levels of fear. Residents have changed their style of living, giving up the basic freedom that we take for granted in our democratic society, the freedom to live in peace and without fear.

So, understandably, there was a public outcry and a demand that the police remove the drug dealers from the neighborhoods. Unfortunately, all this is occurring at the same time there is an increase in the demand for all police services throughout the city.

To effectively address the visible drug-dealing, as mandated by the people, we needed additional resources which were not available because of our city's fiscal constraints.

Because of the seriousness of the problem, our mayor and city council did allocate a modest amount of funds to the police department from the city; community development public service funds. This money was given to the police to carry out a program that we call Crackdown on Crack.

Under this program, we were able to use our officers on an overtime basis to address the problem of visible drug-dealing in target areas of our city. We operated initially over a 28-day period, actually working 15 days, and were able to arrest 522 persons. This is the equivalent of 6.5 percent of all narcotics arrests made in our city during the year of 1987. It had a significant impact on the problem in the target neighborhoods.

The program which targeted street dealers was conducted mainly on the weekends. However, we did change days and locations, depending on the problem. But it required an additional 80 to 100 officers per day in order to carry out the program.

Such an undertaking would not have been possible without the additional funds we received from the city through its community development funds.

Our efforts were highly successful as evident from the feedback from neighborhood residents and civic leaders. Many have indicated that because of this effort, they can now use their streets and parks without fear of intimidation.

We also implemented another program in an area of the city that we call Acres Homes. This area had a significantly large number of visible dope-dealing locations.

We worked with the residents in the area and organized a committee called the Acres Homes War on Drugs, which consisted of police officers as well as members from the community. As a result, we were able to document the problem in the area, identify the target areas and, using the police response team—working undercover and often on overtime—close down many of those visible drug-dealing locations.

This program resulted in a number of vacant and abandoned properties that were used for drug trafficking being cleaned and boarded up. Several crack houses were closed and drug traffickers arrested.

Drug traffickers in the parks have been virtually eradicated and more and more citizens are taking an active role in the anti-drug effort by identifying drug locations, and working with the war on drugs program. This program has proven to be very successful for that specific area in our city.

Our experience in Houston clearly suggests a number of things. First, street-dealing in drugs can destroy entire neighborhoods. Second, an intensified law enforcement program aimed at returning the neighborhoods back to the citizens by removing the visible drug dealers can make a difference.

But such an enforcement effort requires resources that are often beyond those available to law enforcement agencies. Without assistance from the Federal Government, Houston, similar to many other cities, is really incapable of addressing the drug problem at the street level and still provide the normal, mandated services to the city.

In order for us to address the problem of drugs in our cities, there is a need for financial support from the Federal Government. I suggest that the funds go directly to the cities. I have a reason for making that suggestion. When the 1986 Federal anti-drug funds were allocated to the State of Texas, for some still unknown reason the State initially decided not to allocate any to the city of Houston.

Thus, the largest city in Texas, the fourth largest city in America, a major distribution center for drugs, would have gone without Federal funds because of a State decision if we had not protested. Then we only received \$200,000.

We believe that the funds should go directly to local jurisdictions. They should be fed into a local planning process that should involve all components—law enforcement, treatment, education, prevention, as well as the community.

Our experience suggests that if we are going to be successful in dealing with the drug problem, we have to involve the community. That has been an element left out of the funding because of the categorical funding requirements of the anti-drug legislation.

Yesterday I had the opportunity to appear before the U.S. Conference of Mayors in Salt Lake City. I am enclosing for the record a copy of my remarks. They, too, are addressing this problem and unanimously passed a resolution which calls for a number of changes.

We met here in Washington, DC, police chiefs and mayors from 100 cities a few weeks ago and I posed the following question to those present: "What is this country's plan for addressing the drug problem?"

Unfortunately, no one had an answer to the question. We do not have a national strategy to address the drug problem. We have a number of initiatives, but there is no coordinated, comprehensive effort that will make a difference on the streets of our cities.

The Conference of Mayors passed a resolution, which I will leave to be introduced into the record, that calls for the development of a plan.

In closing, our cities are fighting a growing cancer, and we need assistance. Our city police departments, including Houston, need funds for overtime, undercover buys, informant payments, undercover vehicles, and other investigative expenses. These resources could best be used for street-level enforcement.

So, with that, I will be glad to respond, Mr. Chairman, to any questions that you may have.

Senator KENNEDY. Thank you very much, Chief.

Just a few questions. Where do you rank this attack on street crime in your total effort in fighting the battle on drugs and drug abuse in the community? Where does this fit in terms of your own priorities?

Mr. BROWN. If I were to set priorities, I would have to agree with Commissioner Ward that prevention has to be the first priority. We will never be able to solve the drug problem solely by law enforcement efforts.

With the resources and the responsibilities that I have as a police chief—

Senator KENNEDY. Are you talking about the importance of prevention? Are you talking about education, interdiction?

Mr. BROWN. By prevention, I am referring to dealing with the demand for drugs. I am referring to stopping the demand or the desire to use drugs.

From the police perspective, we are responsible for the enforcement side and, as a result, we place our top priority on what the people of our community consider to be important. To them, the visible dealing of drugs on the streets in their neighborhoods destroys the character of their neighborhoods.

Thus, that is where we place our efforts and our resources. That, by itself, is not the answer. The answer must focus on the demand for drugs through education and through preventive efforts.

That involves more than what we do, although we are actively involved in the schools in the DARE program. It involves also a strong community effort. We are going to have to empower the people in the communities to become an active part in addressing the issue.

In our city, we are in the process of initiating a new style of policing that we call neighborhood-oriented policing. Under that style, we intend to look at each neighborhood and allow them to work with us by identifying problems, jointly determining what are the best solutions to the problems, and using the combined resources of the police and the community to solve problems.

We think that can be the answer. Unfortunately, at this point in time in many of our neighborhoods, the number one problem is visible drug-dealing on the streets.

Senator KENNEDY. I noticed in your earlier testimony that you talked about the increase in the level of violence in terms of drug-related dealing. Has that been something that you have detected in Houston, and could you tell us what recommendations you have dealing with that?

Mr. BROWN. Conservatively, we feel that well in excess of 25 percent of the homicides that have occurred in our city this year are drug-related. That is conservative because we do not know the actual number that are drug-related.

We see the drug problem driving all other crimes in our city. People who have drug habits must support them. It is estimated that a young person with a crack cocaine habit is going to spend in excess of \$1,000 per week to support that habit. There are only a couple of ways one can do that. They steal or they deal, and that drives the crime problem.

My sense, Senator, is that if we are going to be serious about addressing the drug problem, a number of things have to happen at

the national level because we cannot look at drugs as just a local problem.

The source of the drugs we are concerned about—heroin, cocaine—is not America. If we develop a national plan to address drugs we should start with interdiction to keep them from coming into the country.

I would submit to you that if America was threatened from abroad, we would use all the resources at our disposal to put down that threat. I think no less should be done with drugs.

I support the use of the military in drug interdiction. When I was the public safety commissioner of Atlanta, Georgia, we were involved in a very tragic investigation of young children being killed. I explored all possibilities to see what we could do to solve that problem.

When we found that the young people were being thrown into the rivers nude, we used our resources to stake out the bridges over two rivers in the city. A very labor-intensive undertaking.

I inquired about what resources were available to help us do that. I was informed that there are satellites in the sky that can focus down and reflect back to earth a speck on a golf ball. I was also informed we would not be able to use that technology because of the rotation of the earth and you would need more than one satellite in order to have a constant surveillance of a given point.

I would suggest that we do have the technology, our black box technology, available to us. If we were serious about it, we could put a few more satellites up and thereby have the ability to conduct surveillance on any given point at all times, to monitor the drugs that leave the source country headed for America.

My recommendation is to replace Star Wars with Drug Wars and use the resources that we now have available, to conduct surveillance on drugs headed to our country for purposes of interdiction.

We in law enforcement are making a lot of arrests. That is evident by the fact that our prisons are over-crowded. Yet, we are not solving the problem. We are going to have to have some assistance, and I would suggest the first thing to do is to develop a comprehensive national plan to address the problem of drugs because it is something that is destroying our communities.

Senator KENNEDY. I would agree, replace Star Wars with both Star Schools and Drug Wars. We will add that, too.

Senator Grassley.

Senator GRASSLEY. Yes. I would only suggest on this subject of interdiction that obviously for the sake of morale, and also for the sake of cutting down on supply, we have to do more of it. However, solely relying on interdiction and education is simply not going to achieve a reduction in the use of drugs in this country.

On drug enforcement activities, we are now spending \$2.4 billion in 1988, compared to \$800 million in 1981. In the case of cocaine, we have increased our seizures from 2.5 metric tons in 1981 up to 27 metric tons in 1986. This is from the Rand Study, I might add, so that you know where I am getting my information.

We have had the landed price of cocaine fall from \$53,000 per kilogram to about \$15,000 per kilogram in 1987. You know, when there is a difference in the price spread of cocaine from the farm of \$1,200 per kilogram, exported from Colombia at \$7,000, landed in

Miami at \$20,000, wholesaled in Detroit at \$40,000, and retailed at \$250,000, it seems to me that the problem is at our own door and that it is imperative we do something about it.

I do not disagree with you about interdiction and education, because it would be a tremendously bad signal to send if we let down at all on our interdiction and education efforts. It would be a tremendous morale problem for our law enforcement people.

But I guess I want your comments on that because you put such great emphasis upon interdiction.

Mr. BROWN. That is only one aspect of it. I am not suggesting that that is the sole answer. We have a complex problem and there are no simplistic solutions. As police chief, I have to look at it from the enforcement end. Certainly, prevention is where I would place my greatest priority. Treatment has to be addressed as well.

Today, if someone wanted to get treated in most of our cities, there is no bed space available. If someone wanted to get treatment, they would have to wait for months to get treatment. That problem has not been addressed.

In our city, just as you heard from the commissioner from New York, we are expending a great deal of our resources in the schools. We are operating the DARE program because we think that is the most successful educational program going right now.

We have to have a two-pronged approach, one for immediate relief, and one for long-term relief. I believe that we have to do what we saw happen with drunk driving. Through the efforts of Mothers Against Drunk Driving, we literally raised the consciousness of a Nation about the hazards of drunk driving and saw some success. We have to do the same thing with the drug problem. We must raise the awareness so that all Americans know that we do have a crisis on hand, that we do have, in my estimation, an epidemic. The solution must involve efforts with the family, our churches and our neighborhood associations.

Our businesses must be involved. Our whole educational system must be involved. The illegal use of drugs must be taken on as a major crisis in our society. Something I think can happen here at the Federal level is the creation of a coordinated approach to the problem.

One of the things that we can do is look at the establishment of a Cabinet-level position to focus on the problem. I am not that optimistic about a powerless drug czar being an effective solution to the problem.

I do feel, however, if there was a Cabinet-level position with the responsibility of addressing crime from the Federal level, combining the Federal resources that are currently being used and also taking on the responsibilities that we talk about relative to the drug czar, we can make a difference.

In addition, I think we should have a national narcotics commission. What we have now is a National Drug Policy Board, but there is one inherent problem with the National Drug Policy Board. It does not have State and local input, and therefore they have a narrow perspective on how they carry out their business.

I would suggest that we create a national narcotics commission that would involve all relevant agencies, it should have designated positions for State and local people that are involved in all aspects

of the drug control effort—enforcement, education and prevention, as well as treatment. Those are things that I think can come out of your efforts here.

I also think we have to have increased funding. I view this, as I said earlier, as a national problem, not just a local problem. Those of us who are in the trenches at the local level do not have the resources to effectively address the problem.

Senator GRASSLEY. What about random testing common carriers to achieve drug-free highways?

Mr. BROWN. I am a supporter of random testing of police officers. Anyone who has a public safety position, I believe, should be randomly tested.

Senator GRASSLEY. What about random testing in our schools?

Mr. BROWN. I am not sure what that would accomplish in terms of the end result. I am not sure that that would produce significant results.

Senator GRASSLEY. Are not drug-free schools as worthy a goal as drug-free highways?

Mr. BROWN. I would focus my attention on those areas where public safety is an issue. The results from random testing in the schools, in my estimation, would not fit into that category.

Senator GRASSLEY. Thank you.

[Prepared statements of Chief Lee P. Brown follows:]

Houston Police Department
Houston, Texas

Lee P. Brown
Chief of Police

STATEMENT DELIVERED TO THE
U.S. SENATE JUDICIARY COMMITTEE,
JUNE 14, 1988

Mr. Chairman, and members of the committee: My name is Lee P. Brown. I am chief of police for the city of Houston, Texas, and vice president of the International Association of Chiefs of Police.

I appear before you today in my capacity as chief of the Houston Police Department, an agency that serves the country's fourth largest city--a city with a population of roughly 1.7 million people. It also is the hub of a metropolitan area that includes more than 3 million people.

I want to begin by expressing my appreciation to the committee for taking an interest in what I believe is the No. 1 problem facing the American people today--namely, the problem of illegal drugs. Decisive action is needed now. Otherwise the destruction of society as we know it today is virtually inevitable. The nation must act, and it must act without delay.

The destruction wrought by drugs can be seen everywhere--individuals, families, neighborhoods and, in short order, many of our cities as well. I and other police officials throughout America see this problem firsthand on a daily basis. So, senators, my message to you today is simple: We need help.

Therefore let me use the time allotted to describe what must be done. The problem of narcotics trafficking is multifaceted and requires enforcement efforts at all levels. In Houston, we are doing just that by targeting the distributors and sellers of drugs and, more recently, the users as well. Each of these groups--as well as all others involved in the sale or use of illegal drugs--must be the focus of enforcement efforts if the objectives of ridding the country of illegal drugs and illegal drug use are to be accomplished.

Curing the problem means starting at the root of the problem--the drug importers. Enforcement efforts at this level must be multijurisdictional. Investigations directed at suppliers and distributors--the first links in the drug chain--require a great deal of money and personnel. They also are quite time-consuming and tend to involve several agencies. The down side of such efforts is that only a small number of offenders are arrested. The drugs and assets seized, however, are relatively large, and convictions usually result in relatively long sentences and large fines. Also affected by enforcement efforts at this level are the prices for the narcotics themselves.

The next link in the chain is the local distributor. Because of his national and international connections he is able to buy relatively large quantities of illegal drugs, such as 80 kilograms to 100 kilograms of cocaine. Investigations at this level also tend to net the arrest of relatively few offenders. The quantity of drugs seized ranges from moderate, about 1 kilogram, to large, up to about 200 kilograms. The amount of money and other assets seized also are relatively large. The price of the drugs, however, is not affected significantly since other distribution chains are readily available.

One step below the local distributor is the wholesale buyer who usually purchases drugs in kilogram quantities and resells them in ounces or grams. To make the product--particularly cocaine--go farther while reducing its purity, it is not uncommon for wholesalers to adulterate the drugs they sell. Street dealers and dealers who sell directly to users get their supplies from the wholesaler.

Investigations at the wholesaler level are less labor-intensive than those at upper levels in the drug chain and do not require extensive coordination with other agencies. More arrests are made at this level, though the quantities of drugs and assets are relatively small. When a wholesaler is arrested, supplies to street dealers usually are disrupted. The street dealer then is forced to locate another supplier, resulting sometimes in a temporary relocation of the drug-trafficking activity.

The final link in the drug chain is the street dealer--the person who sells to users and deals most often in small amounts or single dosages. Drugs sold at this level are of the lowest purity and are the most expensive given the amount of narcotics involved. Investigations of street-dealer activity are much more simple than those at any other level in the drug chain.

Because they work directly with users, street dealers come into direct contact with the largest number of persons involved in the illegal drug industry. The amount of drugs and money seized at this level usually is less than in other narcotics cases, though the number of arrests is much higher. The arrest of a street dealer also can disrupt temporarily both the user's supply and the geographic distribution area. A displacement of the selling location is extremely important when the trafficking area is a residential neighborhood or near a school, park or other public area.

Enforcement efforts at the street-dealer level are extremely important because it is here that users are identified and sought by sellers. The street dealer may even introduce new customers to illegal drugs in order to create a demand for this product.

Let me turn now to a brief discussion of our experience in Houston which, over the years, has become a major distribution hub for illegal drugs. A number of factors have contributed to this dubious distinction: a coastline and border with another country that are virtually unguarded and the operation of two major and several small airports, the third-busiest seaport in America, and a transportation center for trains, trucks, buses and cars.

The size and growth of the drug problem in Houston can be seen by looking at the increased number of arrests and seizures in 1987 compared with a year earlier. In 1986, the estimated street value of seized drugs was \$39,824,730. In 1987, the estimated value more than doubled to \$85,316,882. Also in 1986, 7,668 persons were arrested for drug violations. A year later, the number of arrests rose to 7,997.

In terms of specific drugs, cocaine seizures in 1987 increase 351 percent compared with 1986. Marijuana seizures increased 66 percent and methamphetamines, 184 percent. Even greater increases are expected for 1988, with drugs driving the local crime rate higher and higher. We are participating in the National Institute of Justice's Drug Forecasting Program and have found that more than 60 percent of the persons we arrested for serious violations used drugs shortly before committing the crime. The city's drug-related homicide rate is up almost 50 percent over last year.

While it is impossible to provide an exact estimate of the amount of narcotics coming into the city of Houston, the availability of illegal drugs can be gauged by the changes in price and the amounts of cocaine seized. In 1986, for example, our undercover officers regularly negotiated to pay \$45,000 for a kilogram of cocaine. The following year, the negotiated price had dropped to \$10,500 for the same amount. That the supply has increased significantly is evident from the greater number of street arrests. The decline in price obviously was not the result of decreased demand for the substance.

The purity of cocaine at the street level is another indicator of an increased supply of the drug. In 1986, the purity of cocaine bought by the gram was 25 percent. The following year, the purity was 75 percent. While there was not a drastic reduction in the price of cocaine at the street level, there was a significant increase in purity.

A major factor compounding the drug problem in Houston and elsewhere in the country is availability of crack cocaine, a substance that has a lower per-dosage cost and a higher per-dosage purity. The enthusiasm for crack among dealers and users alike has generated an uncontrollable number of drug-trafficking locations on the streets of Houston. The same is true elsewhere in the nation. During the first quarter of 1988, for example, Houston police offices identified 266 locations where drugs were being sold openly. Most were in low-income, inner-city areas. The number of persons selling drugs at each location ranged from three to eight.

The effects of crack-peddling are negative and widespread. Affected areas have seen a deterioration in the quality of life, higher crime rates and increased fears of victimization--leading to changes in life-style and a relinquishment of the democratic right of freedom to live in peace and without fear. A public outcry ensued, along with demands that the police remove drug dealers from neighborhood streets. At the same time, citizens throughout the city were demanding increased police services. Police resources, however, were limited because of the city's financial constraints. For the police to address the problem effectively, additional resources are essential.

Because they have recognized the seriousness of the drug problem, the mayor and City Council have allocated a modest amount of community development funds to the Police Department for implementation of a program called "Crack Down on Crack." Under this program, we are able to have our officers work overtime to address the problem of visible drug-dealing in targeted areas of the city. After working 15 days within a 28-day period, Houston police officers arrested 522 persons. This is equivalent to 6.5 percent of all local narcotics arrests during 1987. The program targeted street dealers and was conducted mainly on weekends. An additional 80 to 100 officers were required each day. Such an undertaking would not have been possible without community-development funding.

Feedback from residents and civic leaders indicates that the crackdown has been an overwhelming success. Many have said that they now can use their streets and parks without fear of intimidation. The program, however, is but one of several the department has undertaken to rid the city of illegal drug-use and drug-trafficking.

Complaints to the police--and from officers themselves--about the widespread use and easy availability of crack cocaine problem in the Acres Homes neighborhood prompted the Houston Police Department to initiate a War on Drugs program in November 1987 to combat the problem. Trafficking in the refined crystalline form of cocaine could be seen in neighborhood parks, on street corners and in so-called crack houses within the Acres Homes community. The drug's widespread use was attributed primarily to its relatively low price, selling for \$25 or less anytime of the day or night.

To area residents, the problem had become intolerable, threatening the lives and safety of all persons living in or visiting the neighborhood. Even the police themselves felt a measure of fear for their own safety as they pursued drug suspects through densely weeded areas and abandoned properties with which the drug traffickers are familiar. Both the police and residents agreed that something had to be done.

The plan selected was a collaborative effort between the community and the police--a strategy consistent with the department's commitment to neighborhood oriented policing and community involvement in strategies to combat crime. Approximately 150 area residents attended the first in a series of meetings convened to discuss the problem and possible solutions. A steering committee consisting of 12 citizens was formed at that time. Six of the committee members were elected subcommittee chairmen. Each subcommittee dealt with a different area of concern, such as educating the community about how the Police Department works, what city services are available to combat the drug problem, criminal justice procedures and applicable laws. Committees also were formed to help clean up vacant and abandoned properties in the neighborhood, and a publicity committee was formed to make the community aware of the group's activities and to garner support and participation from area residents.

Additional meetings between the police and the community were held at least twice a week. At each session, residents, church officials, civic club leaders and local business owners addressed the area's drug problem. The group's goal was to send a message to the drug dealers that their activities would not be tolerated in the Acres Homes community.

The outcome of the War on Drugs program was positive in all respects and accounts for a number of improvements in the neighborhood, including the following:

- A number of vacant and abandoned properties that had been used for drug trafficking have since been cleaned and boarded up.
- A number of crack houses have been closed and drug traffickers arrested.
- Drug trafficking in recreation areas have been virtually eradicated.
- More and more citizens are taking an active role in the antidrug effort by complaining about the use of drugs and informing the War on Drugs Committee about the community's drug problem.

To reinforce their commitment to the War on Drugs program five months after it was implemented, Acres Homes residents and members of the Police and Parks and Recreation departments staged a three-mile parade. A rally at Carver Park after the parade drew approximately 1,500 persons and sought to strengthen the residents' efforts in combating the drug problem in their community. Mayor Kathy Whitmire and I addressed the gathering as did many other community leaders.

From all that has been said, a number of points bear repeating:

- Illegal drugs represent the No. 1 problem confronting American cities in the late 1980s. The widespread use of illegal drugs has the potential not only to damage but also to destroy American society as we know it today.
- The visible sale of drugs is a major problem in certain parts of all U.S. cities, especially in low-income areas. The result has been a deterioration in the quality of life for many Americans.
- An intensified law enforcement effort aimed at returning neighborhoods to their residents by removing drug-traffickers can make a difference. The effort, however, can be even more effective with enthusiastic citizen involvement.
- Despite the importance of such efforts, they require an amount of resources not available to most U.S. cities. Financial assistance from the federal government is essential if local police agencies are to wage an effective war on drugs.
- The federal antidrug funds should go directly to the nation's large cities, with no matching-fund requirements. Each major city should have a process for assessing their unique needs.
- Police departments need funds for overtime pay, undercover narcotics-buys, informant payments, undercover vehicles and other investigative expenses. Such resources should be targeted at street-level enforcement efforts and intermediate-level drug investigations. Cities such as Houston need additional resources for enforcement efforts directed at street-trafficking in illegal drugs--a situation that is destroying the quality of life in our neighborhoods.

When I say that I appreciate your interest in the illegal-drug problem, I know that I speak not only for myself but also for other cities throughout the United States. Yesterday I spoke on the same subject at the U.S. Conference of Mayors' annual conference in Salt Lake City. I am submitting for the record, a copy of my remarks. I also am submitting a copy of a resolution unanimously passed by the mayors who have joined with their police chiefs to address the problem of illegal drug-use and drug trafficking in American cities.

Thank you Mr. Chairman, and members of the committee.

56TH ANNUAL CONFERENCE OF MAYORS
SALT LAKE CITY, UTAH, JUNE 13, 1988

REMARKS BY: LEE P. BROWN

CHIEF OF POLICE, HOUSTON POLICE DEPARTMENT

LET ME BEGIN BY SAYING THAT I AM PLEASED TO HAVE THE OPPORTUNITY TO PARTICIPATE IN THIS 56TH ANNUAL CONFERENCE OF MAYORS. I AM PARTICULARLY PLEASED TO BE ABLE TO SHARE WITH YOU MY THOUGHTS ON THE SUBJECT OF "A NATIONAL STRATEGY TO CONTROL THE FLOW OF ILLEGAL DRUGS".

I ALSO WANT TO, ON BEHALF OF THE POLICE CHIEFS OF AMERICA, EXPRESS MY SINCERE APPRECIATION TO THE U.S. CONFERENCE OF MAYORS AND PARTICULARLY YOUR PRESIDENT, THE HONORABLE RICHARD L. BERKLEY, FOR TAKING SUCH AN AGGRESSIVE LEADERSHIP ROLE IN ADDRESSING WHAT MANY OF US CONSIDER TO BE THE NUMBER ONE PROBLEM CONFRONTING AMERICA TODAY, THAT IS THE ILLEGAL DRUG PROBLEM.

BEING THE ONLY POLICE CHIEF ON THIS DISTINGUISHED PANEL, IT IS QUITE EVIDENT THAT I SHOULD MAKE MY REMARKS FROM THE PERSPECTIVE OF LAW ENFORCEMENT. IN DOING SO, IT IS NOT NECESSARY FOR ME TO TRY AND CONVINCE YOU OF THE SERIOUSNESS OF THE DRUG PROBLEM. YOU ALREADY KNOW THAT. IT IS NOT NECESSARY FOR ME TO TELL YOU THAT DRUGS AND THE RESULTING CRIME AND VIOLENCE ARE DESTROYING MANY OF THE NEIGHBORHOODS IN OUR CITY. YOU ALREADY KNOW THAT. IT IS NOT NECESSARY FOR ME TO TRY AND CONVINCE YOU THAT DRUGS POSE A SERIOUS THREAT TO THE VERY FABRIC OF OUR

SOCIETY AND ARE A CLEAR AND PRESENT DANGER TO OUR WAY OF LIFE IN OUR DEMOCRATIC SOCIETY. THAT YOU ALREADY KNOW. CLEARLY, YOU KNOW THAT THE ILLEGAL USE OF DRUGS CONSTITUTES THE MAJOR THREAT TO AMERICA AT THIS POINT IN OUR HISTORY.

YET, IN THE MINDS OF MOST AMERICANS, DRUGS HAVE A VERY SPECIAL MEANING. IT MEANS THE DESTRUCTION OF OUR CHILDREN. IT MEANS THE DESTRUCTION OF OUR INSTITUTIONS. IT MEANS BEING AFRAID, IN OUR HOMES, ON OUR STREETS AND IN OUR SCHOOLS.

RECOGNIZING THE SERIOUSNESS OF THE DRUG PROBLEM, IT IS QUITE APPROPRIATE FOR US TO ASK THE QUESTION: WHAT IS THIS COUNTRY'S PLAN TO CONTROL ILLEGAL DRUGS? UNFORTUNATELY, WHEN WE ATTEMPT TO ANSWER THAT QUESTION, WE FIND THAT WE DO NOT HAVE A COORDINATED NATIONAL STRATEGY TO ADDRESS THE PROBLEM OF DRUGS IN AMERICA. RATHER, WE HAVE DEVELOPED A NUMBER OF INITIATIVES WHICH ARE NOT COORDINATED INTO A COMPREHENSIVE NATIONAL PLAN THAT WILL ULTIMATELY MAKE A DIFFERENCE ON THE STREETS OF OUR CITIES.

WITH THAT AS A BACKGROUND, I WOULD LIKE TO FOCUS MY REMARKS, IN THE TIME THAT IS ALLOTTED TO ME, ON WHAT I THINK SHOULD BE THE FOUNDATION FOR THIS COUNTRY'S STRATEGY FOR ADDRESSING THE PROBLEM OF ILLEGAL DRUGS. ADMITTEDLY, MY AGENDA IS NOT COMPLETE, BUT IT DOES PROVIDE US WITH A FRAMEWORK AND A FOCAL POINT FROM WHICH WE CAN BUILD.

FIRST, THERE MUST BE A CLEAR RECOGNITION FROM THE HIGHEST LEVELS OF GOVERNMENT OF THE SERIOUSNESS OF THE DRUG PROBLEM IN AMERICA. TO THAT END, THE CURRENT PRESIDENT OF THE UNITED STATES, AND THE FUTURE PRESIDENT, MUST PROVIDE THE NECESSARY LEADERSHIP BY ACKNOWLEDGING TO THE AMERICAN PUBLIC THAT THE MAJOR THREAT TO OUR NATIONAL SECURITY AT THIS POINT IN TIME IS NOT COMMUNISM, NOT THE RUSSIANS, BUT AMERICANS USING ILLEGAL DRUGS. SIMILARLY, THE SURGEON GENERAL OF THE UNITED STATES SHOULD DECLARE THE DRUG PROBLEM AN EPIDEMIC AND ENGAGE A TOTAL COMMITMENT FROM THE MEDICAL PROFESSION TO ADDRESS THIS SOCIAL CANCER. DR. KOOP MUST SPEAK OUT ON DOPE.

CLEARLY, IF WE ARE GOING TO MAKE A DIFFERENCE, WE MUST FIRST OF ALL RAISE THE LEVEL OF AWARENESS OF THE AMERICAN PEOPLE. NOT UNLIKE THE EFFORTS OF MOTHERS AGAINST DRUNK DRIVERS, THE SERIOUSNESS OF THE DRUG PROBLEM MUST BE RECOGNIZED FOR WHAT IT IS BY ALL AMERICANS.

SECOND, OUR STRATEGY MUST FOCUS ON THE INTERNATIONAL AND NATIONAL ASPECTS OF DRUGS IN AMERICA. WE MUST REMEMBER THAT THE SOURCE OF COCAINE AND HEROIN IS NOT AMERICA. THERE IS NO DOUBT IN MY MIND THAT IF ANOTHER COUNTRY POSED A CLEAR AND IMMEDIATE THREAT TO AMERICA WE WOULD USE ALL OF OUR RESOURCES TO STOP THAT THREAT. NO LESS SHOULD BE DONE RELATIVE TO THOSE COUNTRIES THAT ARE THE SOURCE OF DRUGS THAT ULTIMATELY END UP ON

THE STREETS OF OUR CITIES HERE IN AMERICA. THEREFORE, OUR STATE DEPARTMENT SHOULD USE ALL OF ITS DIPLOMATIC MUSCLE TO PREVENT OTHER COUNTRIES FROM GROWING DRUGS THAT END UP IN AMERICA.

EQUALLY IMPORTANT, AMERICA MUST NOT PLEA BARGAIN WITH A HEAD OF STATE THAT IS KNOWN THROUGH CRIMINAL INDICTMENTS TO HAVE USED HIS POSITION TO DEAL IN DRUGS. TO DO SO REPRESENTS THE EPITOME OF HYPOCRISY AND SYMBOLICALLY SENDS OUT THE MESSAGE THAT AMERICA IS NOT TRULY SERIOUS ABOUT ITS PROCLAIMED WAR ON DRUGS.

THIRD, WE MUST REJECT THE NOTION THAT THE ANSWER TO THE DRUG PROBLEM IS LEGALIZATION. SUCH A DISCUSSION NOT ONLY SENDS MIXED MESSAGES TO OUR CHILDREN, BUT IS ALSO AN UNACCEPTABLE AND DANGEROUS ALTERNATIVE. JUST AS WE DID IN THE EARLY 1900'S WHEN THIS COUNTRY HAD A SERIOUS DRUG PROBLEM, WE MUST NOW MOBILIZE OUR RESOURCES TO RESOLVE THIS PROBLEM. WE MUST NOT TURN TO A QUICK FIX FOR A COMPLEX PROBLEM.

FOURTH, WE SHOULD END THE DEBATE AND IMMEDIATELY DEPLOY OUR MILITARY IN OUR DRUG INTERDICTION EFFORTS. AGAIN, I BELIEVE THAT IF WE WERE THREATENED FROM ABROAD WE WOULD NOT HESITATE TO MOBILIZE ALL OF OUR MILITARY MIGHT TO PROTECT OUR BORDERS. TODAY, THE MAJOR THREAT TO AMERICA IS NOT FROM ABROAD, BUT FROM WITHIN. THE MAJOR THREAT TO AMERICA IS THE DRUGS THAT FLOW

ACROSS OUR BORDERS AND END UP CREATING CHAOS IN OUR HOMES, SCHOOLS, NEIGHBORHOODS AND PLACES OF WORK. OUR CIVILIAN LAW ENFORCEMENT FORCES AT THE FEDERAL, STATE AND LOCAL LEVELS SHOULD BE ABLE TO DEVOTE THEIR EFFORTS TO CONTROLLING THE DRUG PROBLEM WITHIN THE BORDERS OF THE UNITED STATES. FOR THAT TO HAPPEN, OUR MILITARY FORCES SHOULD IMMEDIATELY BE DEPLOYED TO LEAD OUR NATIONAL INTERDICTION EFFORTS.

FIFTH, WE SHOULD USE ALL OF OUR TECHNOLOGICAL KNOW HOW TO STOP THE INFLUX OF DRUGS INTO AMERICA. CURRENTLY, WE HAVE TECHNOLOGICAL KNOW HOW TO USE SATELLITES THAT CAN FOCUS ON A GOLF BALL AND TRANSMIT A CLEAR IMAGE OF EVEN THE SMALLEST DOT BACK TO EARTH. WITH THE ADDITION OF A FEW MORE SATELLITES, WE WOULD BE ABLE TO HAVE CONSTANT SURVEILLANCE ON ALL VEHICLES, VESSELS OR PLANES THAT MOVE THE DRUGS FROM THEIR SOURCES INTO AMERICA. BY COMBINING THE "BLACK BOX" TECHNOLOGY WITH OUR MILITARY CAPABILITIES, WE SHOULD BE ABLE TO STOP THE INFLUX OF DRUGS INTO AMERICA. TO THAT END, WE SHOULD CALL UPON THE PRESIDENT TO REPLACE STAR WARS WITH DRUG WARS IN THE INTEREST OF THIS NATION'S SECURITY.

SIXTH, WE MUST VIEW THE DRUG PROBLEM AND ITS RESULTING CRIME PROBLEM AS A NATIONAL AND NOT JUST A LOCAL PROBLEM. SUCH A DESIGNATION IS NOT WITHOUT PRECEDENT. WE HAVE DONE SO IN THE

AREAS OF HEALTH AND HUMAN SERVICES, TRANSPORTATION, LABOR AND EDUCATION. WE MUST NOW DO SO WITH RESPECT TO DRUGS AND CRIME BY CREATING A CABINET LEVEL POSITION WHICH WOULD COMBINE ALL OF THE FEDERAL GOVERNMENT'S EFFORTS TO DEAL WITH DRUGS AND CRIME CONTROL. THE CABINET LEVEL POSITION WOULD ELIMINATE THE DEBATE ABOUT WHETHER OR NOT WE NEED A DRUG CZAR. IN MY ESTIMATION, A POWERLESS DRUG CZAR IS NOT SUFFICIENT TO DEAL WITH THE MAGNITUDE OF OUR DRUG PROBLEM. A CABINET LEVEL POSITION, ON THE OTHER HAND, WOULD BE EMPOWERED TO CONSOLIDATE ALL FEDERAL LAW ENFORCEMENT AGENCIES, ESPECIALLY THOSE WITHIN THE DEPARTMENT OF TREASURY AND DEPARTMENT OF JUSTICE, INTO A FOCUSED EFFORT TO IMPACT THE PROBLEMS OF DRUGS AND CRIME. IN ADDITION, THE SECRETARY OF THIS DEPARTMENT WOULD BE ABLE TO ENSURE THAT CRIME AND DRUGS BECOME A CONSIDERATION WHEN OTHER NATIONAL POLICY ISSUES, E.G., HEALTH, EDUCATION, HOUSING, EMPLOYMENT, ETC, ARE ADDRESSED. THE DEPARTMENT WOULD NOT CHANGE THE FEDERAL GOVERNMENT'S AREAS OF RESPONSIBILITY IN ENFORCEMENT, ONLY COORDINATE THEM. IT WOULD NOT IN ANY WAY ALTER THE AUTHORITY OR RESPONSIBILITY OF STATE AND LOCAL LAW ENFORCEMENT EFFORTS.

SUCH A CABINET LEVEL POSITION WOULD PROVIDE THE STRUCTURE FOR DEVELOPING AND COORDINATING AMERICA'S HERETOFORE INEFFECTIVE WAR AGAINST DRUGS. THE SECRETARY OF THE DEPARTMENT WOULD BE RESPONSIBLE FOR DESIGNING AND CARRYING OUT A COMPREHENSIVE NATIONAL STRATEGY TO COMBAT THE DOMESTIC DRUG

PROBLEM. SUCH A PLAN SHOULD INCLUDE BOTH INTERDICTION AND ENFORCEMENT EFFORTS. THE DEPARTMENT SHOULD ALSO HAVE AN UNDERSECRETARY FOR STATE AND LOCAL AFFAIRS, WHO WOULD BE RESPONSIBLE FOR COORDINATION BETWEEN FEDERAL, STATE AND LOCAL AGENCIES.

SUCH A CABINET LEVEL POSITION IS IMPORTANT BECAUSE ABSENT A COMPREHENSIVE NATIONAL APPROACH, MATCHED WITH THE REQUISITE FUNDING, WE WILL CONTINUE TO SEE AMERICA PLAQUED BY THE PROBLEM OF DRUGS AND CRIME. WE CAN NO LONGER AFFORD TO HAVE OUR CITIES SUFFER BECAUSE OF THE LACK OF ACTIVITY ON THE PART OF THE LEADERSHIP OF AMERICA.

SEVENTH, WE MUST HAVE INCREASED FINANCIAL ASSISTANCE TO LOCAL JURISDICTIONS TO ASSIST THEM IN ADDRESSING THE DRUG PROBLEM. CURRENTLY, THE FUNDS THAT ARE GIVEN OUT TO STATE AND LOCAL AGENCIES ARE IN THE AREAS OF ENFORCEMENT, EDUCATION AND TREATMENT. THE TREATMENT FUNDS GO TO THE HEALTH INSTITUTIONS, THE PREVENTION FUNDS GO TO THE SCHOOLS AND THE ENFORCEMENT FUNDS GO TO LAW ENFORCEMENT AGENCIES. THERE ARE SOME INHERENT PROBLEMS IN THE CURRENT WAY THE FUNDS ARE BEING ALLOCATED. FOR EXAMPLE, NO WAR AGAINST DRUGS CAN BE SUCCESSFUL WITHOUT INVOLVING THE COMMUNITY. UNDER THE CURRENT CATEGORICAL FUNDING, COMMUNITY AGENCIES ARE NOT RECEIVING FEDERAL ANTI-DRUG FUNDS. THERE IS A REAL NEED TO INVOLVE THE COMMUNITY IN OUR WAR AGAINST DRUGS. WE

MUST EMPOWER AND DEVELOP A PARTNERSHIP WITH THE NEIGHBORHOODS IN ADDRESSING THIS PROBLEM. SUCH A PROCESS IS BEING UNDERTAKEN IN HOUSTON, UNDER OUR NEW CONCEPT OF POLICING THAT WE CALL NEIGHBORHOOD ORIENTED POLICING, WHEREBY WE DEVELOP A PARTNERSHIP WITH EACH NEIGHBORHOOD IN IDENTIFYING THE PROBLEMS AND THEN JOINTLY DETERMINE THE SOLUTION TO THE PROBLEMS, THEN WORK TOGETHER TO RESOLVE THE PROBLEMS.

THE CURRENT FUNDING PROCEDURES ARE PROBLEMATIC IN ANOTHER WAY. FOR EXAMPLE, WHEN THE FIRST ROUND OF ANTI DRUG FUNDS CAME TO TEXAS, THE STATE MADE A DECISION NOT TO GIVE THE CITY OF HOUSTON ANY OF THE MONIES. THUS, THE FOURTH LARGEST CITY IN AMERICA, THE LARGEST CITY IN TEXAS, A MAJOR CENTER FOR DRUG TRAFFICKING, DID NOT RECEIVE ANY OF THE FEDERAL FUNDS AUTHORIZED BY THE CONGRESS TO ATTACK THE DRUG PROBLEM IN AMERICA. THAT MUST BE CHANGED BY PROVIDING MONIES DIRECTLY TO CITIES, AND WITHOUT MATCHING REQUIREMENTS.

FURTHERMORE, THE CITIES THAT RECEIVE THE FUNDS SHOULD BE REQUIRED TO HAVE A COMPREHENSIVE LOCAL PLAN TO ADDRESS THE DRUG PROBLEM IN THEIR COMMUNITIES. SUCH A PLAN SHOULD BE SIMILAR TO WHAT IS BEING DONE IN HOUSTON, TEXAS UNDER THE LEADERSHIP OF MAYOR KATHRYN WHITMIRE. SOMETIME AGO, SHE CREATED THE MAYOR'S TASK FORCE ON DRUG ABUSE. HER TASK FORCE IS CO-CHAIRLED BY THE SUPERINTENDENT OF THE SCHOOLS AND THE CHAIRMAN OF THE CHAMBER OF

COMMERCE'S CRIME CONTROL COMMITTEE. THE MEMBERSHIP CONSISTS OF ALL SEGMENTS OF THE COMMUNITY. AS A RESULT, THE CITY OF HOUSTON IS PUTTING TOGETHER A COMPREHENSIVE PLAN TO ADDRESS THE DRUG PROBLEM THAT WILL INCLUDE PREVENTION, ENFORCEMENT, TREATMENT AND COMMUNITY CRIME PREVENTION.

JUST AS I AM SUGGESTING THAT LOCAL COMMUNITIES MUST DEVELOP A COORDINATED APPROACH TO ADDRESS THE PROBLEM OF DRUGS, SO MUST THE FEDERAL GOVERNMENT. SO, IN ADDITION TO CREATING A CABINET LEVEL DEPARTMENT, I SUGGEST THAT WE ALSO ESTABLISH A NATIONAL NARCOTICS COMMISSION TO REPLACE THE NATIONAL DRUG POLICY BOARD. THE CURRENT NATIONAL DRUG POLICY BOARD HAS ONE MAJOR FLAW, IT LACKS THE INPUT AND REGULAR PARTICIPATION OF STATE AND LOCAL REPRESENTATIVES. ABSENT SUCH INPUT, THE BOARD TENDS TO FOCUS NARROWLY ON THE DRUG PROBLEM. THE NATIONAL NARCOTICS COMMISSION SHOULD HAVE ON IT DESIGNATED POSITIONS TO ENSURE FULL PARTICIPATION FROM ALL LEVELS OF GOVERNMENT, AS WELL AS THE VARIOUS COMPONENTS THAT MUST BE PART OF A COMPREHENSIVE DRUG PROGRAM, SUCH AS ENFORCEMENT, EDUCATION, PREVENTION AND TREATMENT.

IN CONCLUSION, LET ME SAY THAT I BELIEVE THAT AMERICAN LAW ENFORCEMENT AGENCIES, WITH THE RESOURCES AVAILABLE TO THEM, ARE DOING A GOOD JOB IN ADDRESSING THE DRUG PROBLEM IN OUR

CITIES. HOWEVER, LAW ENFORCEMENT ALONE IS NOT THE ANSWER. WE ARE LIMITED IN THE NUMBER OF POLICE OFFICERS WE HAVE. WE ARE LIMITED IN WHAT WE CAN DO BY OURSELVES. AS A RESULT, WE MUST PLACE A STRONGER EMPHASIS ON THE DEMAND SIDE. WE MUST MAKE SURE THAT WE HAVE ADEQUATE TREATMENT PROGRAMS AVAILABLE FOR THOSE WHO ARE ADDICTED. WE MUST MAKE SURE THAT WE HAVE COMPREHENSIVE EDUCATION AND PREVENTION PROGRAMS TO DISCOURAGE THE USE OF DRUGS AMONGST OUR YOUNG PEOPLE. WE MUST INVOLVE THE ENTIRE COMMUNITY IN OUR EFFORTS TO ADDRESS THIS CANCER. WE MUST INVOLVE THE FAMILY. THE CHURCH, THE SCHOOL AND OUR NEIGHBORHOOD ASSOCIATIONS. THE BUSINESS COMMUNITY MUST ASSUME ITS RIGHTFUL LEADERSHIP POSITION IN ADDRESSING THIS PROBLEM.

MY MESSAGE TO YOU TODAY IS THAT SOCIETY MUST BEAR THE BURDEN ALONG WITH THE POLICE OFFICERS. WE MUST RECOGNIZE AND CLEARLY ACKNOWLEDGE THAT THE PUBLIC EXPECTATION OF WHAT THE POLICE CAN DO TO ADDRESS THIS DRUG PROBLEM ALONE IS GROSSLY EXAGGERATED.

AS LEADERS OF AMERICA'S CITIES, YOU CAN MAKE A DIFFERENCE. BUT TO DO SO, YOU MUST SPREAD THE MESSAGE THAT THE ISSUE FOR MOST AMERICANS IN 1988 IS NOT IRAN OR LEBANON; THE ISSUE IS NOT FIGHTER PLANES; THE CASUALTIES ARE NOT FOREIGN SOLDIERS - BUT AMERICANS. THE SITUATION IS DESPERATE IT NEEDS NATIONAL ATTENTION. IT CALLS FOR CRITICAL DECISIONS. IT CALLS FOR DECISIVE ACTION. IT CALLS FOR NEW DIRECTIONS. IT CALLS FOR A NATIONAL STRATEGY NOW.

June 13, 1988

A National Anti-Drug
Strategy

Mayor Eugene Sawyer
Chicago

Mayor Sidney Barthelemy
New Orleans

Mayor William J. Althaus
York

Mayor Richard L. Berkley
Kansas City

Mayor Joseph S. Daddona
Allentown

Mayor Joseph Davis, Jr.
Inkster

Mayor James W. Donchess
Nashua

Mayor Raymond L. Flynn
Boston

Mayor Daniel S. Frawley
Wilmington

Mayor W. Wilson Goode
Philadelphia

Mayor Michael A. Guido
Dearborn

Mayor Richard C. Hackett
Memphis

Mayor Arthur Holland
Trenton

Mayor Russell E. Johnson
Kankakee

Mayor Jimmy Kemp
Meridian

Mayor Edward I. Koch
New York City

Mayor George L. Livingston
Richmond (CA)

Resolution No. 18

Mayor Theodore D. Mann
Newton

Mayor Frank McDonald
Evansville

Mayor George Milhim
Hempstead

Mayor Howard Neu
North Miami

Mayor William Nicely
Parkersburg

Mayor Maureen O'Connor
San Diego

Mayor Joseph R. Paolino
Providence

Mayor J. Michael Peck
Dolton

Mayor James P. Perron
Eklhart

Mayor Jessie M. Rattley
Newport News

Mayor Jonathan Rogers
El Paso

Mayor Martha G. Scott
Highland Park (MI)

Mayor F. Joseph Sensenbrenner
Madison

Mayor Nao Takasugi
Oxnard

Mayor Edward Vincent
Inglewood

Mayor Kathryn Whitmire
Houston

Mayor Dan Young
Santa Ana

- 1) WHEREAS, illegal drugs are a critical international problem affecting the people of our nation, clearly equal to other national security threats; and
- 2) WHEREAS, in 1987, world production of cocaine increased by 10 percent, heroin by 18 percent and marijuana by 26 percent, with much of those increased supplies directed at the U.S., lowering the street price of those drugs; and
- 3) WHEREAS, each year, one-third of the estimated 300,000 metric tons of cocaine processed in Latin America is smuggled into the United States, along with six to eight tons of heroin and 9,000 to 10,000 tons of marijuana; and
- 4) WHEREAS, recent national news reports show that the Customs Service is able to inspect only a small percent of the cargo entering the United States, and many tons of illegal narcotics enter this country through the major ports of entry because of the insufficient number of Customs agents and the lack of detection technology at these major ports of entry;
- 5) WHEREAS, increasing quantities of illegal drugs are being manufactured domestically, creating serious problems for cities confronted with the costs and hazards associated with the production of illegal drugs; and
- 6) WHEREAS, our nation has not yet committed sufficient resources to a real war against illegal drugs; and
- 7) WHEREAS, one year after enactment of the Anti-Drug Abuse Act of 1986, only a small fraction of the funds appropriated had reached America's cities and more than halfway through the current fiscal year, relatively few states have submitted their state plans to the federal government, and even fewer have received approval; and
- 8) WHEREAS, illegal drugs have become a destructive part of daily life in our homes, our schools, and on our streets, and people that buy drugs are a part of that destructive force; and
- 9) WHEREAS, the dissolution of the family, an inadequate education system, poverty, unemployment and greed all contribute to illegal drug use; and
- 10) WHEREAS, the demand for illegal drugs is a pervasive problem that affects all segments of our society, including professional and affluent people; and

- 11) WHEREAS, the spread of illegal drugs across our country has resulted in drugs becoming "Public Enemy Number One" for our nation's cities; and
- 12) WHEREAS, illegal drugs plague urban, suburban, and rural communities of all sizes and regions and lead to a host of problems such as homicides, robberies, burglaries and other crimes, and domestic violence; and
- 13) WHEREAS, hundreds of America's dedicated public servants have died and thousands others risk their lives daily to fight our cities' individual wars on illegal drugs and on the criminal activity stemming from illegal drugs; and
- 14) WHEREAS, law enforcement officials are being assassinated on our streets and in our communities across the country and innocent bystanders are being killed by feuding drug gangs; and
- 15) WHEREAS, there is a lack of jail and prison space throughout the nation which is compromising our criminal justice system and crippling our current anti-drug efforts; and
- 16) WHEREAS, because illegal drugs are big business and produce enormous profits, organized crime and gangs play a predominant role in their distribution,
- 17) NOW, THEREFORE, BE IT RESOLVED that The U.S. Conference of Mayors calls upon the President and the Congress to establish a unified national strategy for education and rehabilitation programs and to control the flow of illegal drugs, a strategy which includes:
 - o The declaration of illegal drugs as one of this nation's major foreign policy concerns, and the denial of foreign aid to any illegal drug source country which fails to cooperate satisfactorily with our government in curbing its illegal drug exports to our nation;
 - o An international conference of leaders from throughout the Western Hemisphere, called by the President, so that strategies can be developed that will have a lasting impact on the production, transport, and demand of narcotics;
 - o An improvement in the interdiction of illegal drugs before and as they enter the country through strategies which include the use of the military in illegal drug interdiction outside of U.S. land area, the provision of needed equipment, and the

development of new technologies which increase the success of these efforts;

- o The passage of omnibus anti-drug legislation this year which will add resources commensurate with the need to wage war on drugs next year, and in the future, without taking funds away from other state and local programs;
- o A dramatic increase in the federal funding available to local illegal drug law enforcement, and the provision of those funds directly to cities, without requiring matching funds;
- o An increase in the jail and prison space available through increased federal funding for jail construction, and the use of available, appropriate federal installations;
- o An increase in the consequences faced for criminal activities, through strengthened federal laws and increased application of them, stiffer penalties, and the seizure of assets;
- o Creation of additional Article 3 judges who would sit on a newly created United States Narcotics Court in each federal district;
- o More aggressive use by the federal government of the Money Laundering Control Act of 1986 more aggressively, and to pursue actions against financial institutions that knowingly conduct financial transactions which involve proceeds from unlawful activity;
- o Establishment of permanent federal funding for the costs associated with the closure of illegal drug labs, including chemical testing, removal and disposal, and cleanup and decontamination of former lab sites;
- o Continued development of a safe and effective herbicide for use against coca leaf, marijuana and opium poppy be made a top research priority within the federal government;
- o Funding for the National Institute of Justice which is sufficient to conduct research and evaluation that will assist state and local governments in developing effective anti-drug strategies, and to develop new technologies that will assist in drug control efforts;

- o An increase in support for regional crime laboratories which enhance local law enforcement efforts;
- o Establishment of a national narcotics director within the White House, of cabinet rank, who would be charged with the duty of formulating and directing the nation's war on drugs;
- o The delivery of an annual report to the nation on the state of our country's efforts to control drug abuse by the national narcotics director;
- o Adequate funding for federal law enforcement and corrections programs, particularly those which enforce the security of the nation's borders;
- o Passage of legislation requiring the use of selected units of our Reserve and National Guard Forces to augment the Customs staff at major ports of entry to inspect cargo only and to increase the use of scanning technology to assist in detecting and inspecting likely drug-smuggling packages;
- o Creation of a national drug education corps, consisting of professionals from different disciplines, whose mission would be to educate our citizens, particularly our young people, about the dangers of drug abuse;
- o A \$1 or \$2 voluntary check off on the federal Forms 1040, 1040A and 1040EZ as a means of creating a "National Drug Education Fund" which would support innovative drug education programs aimed at our young people;
- o The requirement, as a condition of licensing, that media outlets and advertisers provide public service announcements against the use of drugs at peak listening or viewing times for young people;
- o Expanded inner-city summer jobs programs, particularly for young teens, as one strategy for keeping young people away from the lure of drugs;
- o Development of a federal, state and local partnership to provide drug treatment to anyone seeking access to it;

18) BE IT FURTHER RESOLVED that The U.S. Conference of Mayors calls on every candidate for President to outline in specifics his national strategy for waging an effective, total war on drugs; and

- 19) BE IT FURTHER RESOLVED that The U.S. Conference of Mayors calls on the Democratic and Republican parties to come together in a bipartisan way, going on record at their nominating conventions, to adopt national planks endorsing national anti-drug strategies; and
- 20) BE IT FURTHER RESOLVED that The U.S. Conference of Mayors urges the mass media, Hollywood and television movie makers, and public figures to assist in changing public opinion about drug use, as has been done with smoking and drinking; and to educate young people about the consequences of drug use.

Projected Cost: Unknown

Senator DeCONCINI [presiding]. Thank you, Senator Grassley.

Mr. Burke, just yesterday I was with the Governor's Alliance Program in Boston, and your secretary of public safety spelled out to us a program where the Department of Public Safety assigns a special investigator to the different prosecutors' offices and law enforcement offices.

Apparently, the special investigator is at your discretion and direction, but, of course, can call on all the resources that the State department has. If that is correct, how does it work? Does that bring you closer with the State and coordinate your high priority cases that you want to investigate in the drug area?

Mr. BURKE. Well, what it has allowed us to do—and I am speaking specifically of the program about which I testified earlier, the Lynn program—is to identify within our regions, in this case counties, where the specific need for investigators exists.

The problem that we saw in the past with a resource in the form of investigators under the control of a central agency or authority was that it was not being applied at the neighborhood level where we felt it could be most effective.

As I indicated earlier, there is a great tendency on the part of all of us to focus on the sophisticated conspiracies, those kinds of arrests and busts, if you will, that will get you the most attention. The reality is that it is only the street work that produces any real effect.

I might add at this point that I have, with one critical point, no disagreement with what Chief Brown or Commissioner Ward have said, except that in my way of thinking, street enforcement is demand reduction, so that if you can put people on the street and you can have someone close to the problem—in this case, it happened to be district attorneys in Massachusetts and we were able to convince the Governor, and he agreed with us, that we were better able to see the local problem than a single agency located in Boston.

If you can put people on the street, you can begin and participate as part of that demand reduction solution, and that is effectively what those additional resources do.

Senator DeCONCINI. So, the Lynn program helped you allocate your resources?

Mr. BURKE. That is exactly what it helped us do. It allowed us to use those resources in the form of State police investigators in the communities.

Senator DeCONCINI. Which you have a shortage of or are not able to have, or it gives you more capacity to investigate, right?

Mr. BURKE. Essentially, we could double the number and have more than twice the effect on demand reduction and street enforcement.

Senator DeCONCINI. I am very impressed with that program, and I agree with your analysis that part of the demand is the enforcement on the street, as well as the education.

I have no problem with the statements that the first priority is educating the public. But I believe that part of that education is the appearance on the street and the investigation and a constant pressure to work on reducing demand from the enforcement side.

As a prosecutor, what resource would you feel would be most advantageous, that the Federal Government could participate in, as it relates to your responsibility in the justice system?

Mr. BURKE. I think that the most important resource from a prosecutor's point of view now, not necessarily listing it in the area of priority, would be the existence of programs, alternative sentencing programs, such as urinalysis programs, allowing us to prioritize our caseload, and to identify those people to whom we should dedicate our trial time, versus those people who are not serious offenders and could be eligible for alternative sentencing programs.

Senator DECONCINI. You mean coordinating that through the U.S. attorneys?

Mr. BURKE. Oh, no. I mean by applying the resources. For example, in Massachusetts—

Senator DECONCINI. You mean giving funds for additional prosecutors or that sort of thing?

Mr. BURKE. In Massachusetts, for example, we have no working urinalysis programs.

Senator DECONCINI. I see, and that would be helpful to you?

Mr. BURKE. That, I think, would be a very important help because if you can offer as an alternative someone who has been arrested for mere possession of heroin or cocaine, or even possession with intent to distribute in Massachusetts a relatively small amount, an alternative sentence which allows us to monitor their performance, something that generally they find acceptable—

Senator DECONCINI. Which you do not have the capacity to do now?

Mr. BURKE. While we have been encouraged with some of the studies we have done under an NIJ grant, we do not have the resources to implement that every level. Then we can efficiently use prosecutors. I mean, with our caseload, I would be a fool not say we could always use additional prosecutors, Senator, but there are steps that can be taken to make a prosecutor more efficient.

Senator DECONCINI. Chief Brown, time is running out so I am going to have to cut it short. I am interested in the problem you indicated in your statement about the State of Texas. Did the State of Texas refuse to apply for any of the grants under the omnibus act, or did they refuse to distribute any of it to Houston?

Mr. BROWN. The State received approximately \$12 million of the anti-drug funds. The State decided that the funds should be given to those jurisdictions that came together and formed a multi-jurisdictional approach.

Senator DECONCINI. I see. They moved toward the coordinated or task force-type jurisdictions?

Mr. BROWN. Yes, sir.

Senator DECONCINI. Thereby excluding a large jurisdiction like yours?

Mr. BROWN. Yes sir.

Senator DECONCINI. You do not need to coordinate?

Mr. BROWN. That was not our problem on the streets of Houston. Having other jurisdictions work with us would not have been any help.

Senator DECONCINI. Senate Bill 205, introduced and cosponsored now by 74 members, provides that cities of the size of 500,000 or

more can apply directly for grants. I presume that you would support that?

Mr. BROWN. Wholeheartedly. We feel that the monies should go directly to the city. We do not feel there should be another level of bureaucracy established that would create a time delay in our getting the money. We feel it should fit into a local planning process.

There should be a planning process, but it should be local. We think that would be the best way to address the needs of our cities.

Senator DECONCINI. Thank you. In the area of law enforcement and street enforcement, what is the most valuable assistance the Federal Government could provide? What physical asset or effort do you need most?

Mr. BROWN. We would set as our top priority assistance in addressing street-level enforcement.

Senator DECONCINI. And what would that be, radios, officers, equipment?

Mr. BROWN. We would not want to use Federal funds to increase the number of police officers because of the potential of those funds not being available at some point.

Senator DECONCINI. Right, so what would you use them for?

Mr. BROWN. What we would like to do is use the funds to pay overtime as we did on our Crackdown on Crack Program. We would use the funds for buying narcotics, undercover vehicles and other enforcement equipment.

Senator DECONCINI. Now, in review, Chief Brown, did your inability to get a task force grant from the State, exclude a cooperative or task force with Federal agencies?

Mr. BROWN. We are currently participating on task forces with Federal agencies.

Senator DECONCINI. And how do those work for the most part?

Mr. BROWN. They are working very well. We are not seeking Federal assistance at that level of enforcement because we have good working relationships with the Federal agencies, the FBI, INS, DEA, Customs. We are all working very good together.

Senator DECONCINI. What about forfeiture funds?

Mr. BROWN. We are using—

Senator DECONCINI. Are you participating in those funds with the Federal agencies?

Mr. BROWN. Yes, we are. In fact, one of the problems we had in our city initially when crack first came about was crack houses which were fortified houses and we could not get in.

One became symbolic of the impotence of government not being able to do anything about a problem. We would make arrest after arrest after arrest, but they were always in business. One day we borrowed a bulldozer and got in.

But, probably more important, we were able to use the Federal law by working with the U.S. attorney, to seize that property. As a result, we do not have any more crack houses of that nature in our city now. The dealers moved to the streets.

Senator DECONCINI. That property was forfeited and part of the funds came to you?

Mr. BROWN. Well, not yet because we are still going through the forfeiture process.

Senator DeCONCINI. Thank you, Mr. Chairman. These are very productive hearings and I wish I had more time to ask more questions. They get into the real nub of all this problem. I thank the Chairman.

Senator KENNEDY. Thank you very much.

Was it political at all, the fact that you did not get the money? Did you perceive that to be the fact in Houston?

Mr. BROWN. We felt that we met the requirements. In fact, our staff had met with the staff at the State and they told us to proceed and put in our application as we did.

Yet, when the funds came out, in Harris County, which is the county where we are located, the district attorney received \$179,000 to prosecute those people we were supposed to arrest. But, we did not receive any money to arrest them.

My mayor and I traveled to Austin, our State capital, and as a result they did give us \$200,000 out of the \$12 million that came to the State. That was because of our efforts in Houston.

Senator KENNEDY. Just finally, District Attorney Burke, what is the criteria for setting the communities that you would want to target in terms of this street activity?

Mr. BURKE. I think it is very easy to identify the communities in anybody's jurisdiction, the ones with the incidence of drug arrests, high-crime areas. It is not difficult to identify.

If there is one point I might add, Senator, that has not been raised in this whole discussion of demand reduction as the way of dealing with the drug problem, in terms of education and a need for application of resources, it is the work place.

We have had undercover investigations in every major corporation in our jurisdiction, and that should come as no surprise to anybody in law enforcement because the problem exists in the work place.

Whether it is through the establishment of effective employee assistance programs to recognize the problems that people have in the work place or through some method of funding through insurance where people can seek assistance, I think corporations have an obligation to society to participate in the demand reduction process.

Senator KENNEDY. That is a good point, one I am glad you mentioned.

We want to thank all of you.

We have a statement from Ira Reiner, a DA from L.A., that will be included as part of the record.

[The statement of Mr. Reiner follows:]

Statement of Ira Reiner
 Los Angeles County District Attorney
 To Senate Judiciary Committee
 June 14, 1988

Mr. Chairman:

Because narcotics trafficking is in the nature of interstate commerce—it is interjurisdictional and oblivious to political boundaries — federal participation in programs of proven effectiveness is not only appropriate but is imperative.

I want to speak to two such programs which have shown themselves to be effective: our Street Dealer Enforcement Program and our program for tracking and prosecuting repeat offenders.

Street Dealer Enforcement

Historically, the criminal justice system has tried to solve the drug problem by focusing its attention on large scale drug dealers. Obviously, if we can put the major suppliers in jail and out of business, we can have a significant impact on drug trafficking. Clearly, this effort must continue. We need to step up efforts to reduce the supply of drugs at the source country. We need to interdict the smuggling of drugs at our borders. We need to shut off the financing of major drug operations by money laundering through legitimate financial institutions. And we need to put major drug wholesalers away for such lengthy terms that we only have to deal with them once.

However, having said all that, I believe that the almost total focus on the "big picture" has caused the criminal justice system to give short shrift to an equally essential part of the drug trafficking picture — the street dealer by whose hands the vast majority of drugs are distributed. The so-called small street dealer is, in reality, part of a large, complex drug dealing operation and should be treated as such. In the central district of Los Angeles alone, we have identified 154 street locations where repeat narcotic trafficking exists. At each location, at any time, there are from 5 to 20 street dealers.

Citizens cannot walk on the sidewalks without being accosted and asked to buy drugs. A car slows down and is immediately surrounded by dealers eager to sell. Children cannot walk to school without being asked to spend what money they may have to buy drugs. Gangs move in to claim better street corners as their turf. Shootings and killings result.

These street dealers, when arrested, invariably possess only very small quantities of drugs — thus the mythology that they are "small time." The fact is, of course, that the dealer stations himself on a street

corner, or in a park, with only a sufficient quantity of drugs on his person for a single sale. However, he maintains a "stash" of a larger quantity of drugs a short distance away and employs a "runner" to keep him supplied from his stash after each sale. Why does he go to these lengths? Because he knows that if he is carrying only a very small quantity of drugs when he is arrested he will receive lenient treatment.

The time is right for the criminal justice system to awaken to the importance of the street dealer in the overall picture of drug dealing. It is abundantly clear that the incredibly lenient sentences that we are seeing fosters and encourages wide-open drug dealing on the streets.

In order to change this pattern of lenient sentences what we in the District Attorney's Office have done is to say that we have had enough and mean it!

We have instituted a program for the Los Angeles District Attorney's Office which is aimed directly at the street dealers. People who stand out in the street openly dealing drugs belong in jail - first offense, no exceptions.

1. State Prison Sentences For Street Drug Dealers

In cases of possession for sale of cocaine, heroin, or PCP, or sale of cocaine or heroin, deputies are to seek the maximum appropriate sentence.

On all cases of possession for sale of cocaine, heroin, or PCP, or sale of cocaine or heroin, where probation is legally permissible and which are first offenses involving nominal quantities, deputies are to urge the sentencing judge to impose a suspended mid-term state prison sentence with, at the minimum, six to twelve months of custody time as a condition of a three-year probationary grant.

On all subsequent cases involving the above described offenses, deputies are to urge sentencing judges to impose state prison sentences for the appropriate term as dictated by surrounding factors.

2. No County Parole For Street Drug Dealers

In any case of possession for sale or sale where the defendant is sentenced to county jail, deputies shall urge the court to order that the defendant is ineligible for parole.

3. No Bail For Repeat Street Drug Dealers

Whenever a defendant is on probation for sale or possession for sale of narcotics and we file a petition for violation of probation, it is our position that the defendant be held without bail until disposition of the case.

In addition to these disposition policies we have sought from the court additional tools in our efforts to obtain appropriate sentences for street dealers.

1. Special Narcotic Courts For Street Drug Dealers

We have requested that special narcotic courts be established — courts which are devoted exclusively to cases involving street drug dealers.

2. Special Probation Violation Courts For Street Drug Dealers

We are asking that special courts be set aside to hear petitions for violation of probation. In this connection it is our aim to develop expedited procedures remanding the defendant to state prison for his violation of probation.

3. Increased Bail For Street Drug Dealers

We have asked that the bail for defendants charged with dealing narcotics be substantially increased. Presently many of these dealers are getting out of custody on a \$5,000 bond; that means for a \$500 bail premium they are out on the street in a matter of hours after their arrest.

We have requested that the bail be raised to recognize the serious nature of the crime and the substantial risk to public safety posed by the street dealer's continuing presence in the community.

Repeat Offender Tracking and Enforcement

In 1985, the Rand Corporation released a study on the recidivist patterns of 1,672 felons convicted in Los Angeles and Alameda counties over a forty-month period. The study showed that 65% or 1,087 felons were rearrested, and that 51% of that number (853) were convicted of new crimes. Of the 853 subsequent convictions, 301 were for violent crime. Surprisingly, one-third of those convicted of a new crime were placed back on probation to fail again. This report was followed by another in 1986 detailing the recidivist patterns of 1,023 ex-convicts in California, Texas, and Michigan. Recidivism rates were 76% in California, 60% in Texas and 53% in Michigan. The report attributed California's higher recidivism rate to the state's apparent policy of allowing offenders to develop a longer record of prior offenses before imprisoning them. The report concluded, among other things, that crime could be reduced substantially by jailing more repeat offenders and increasing the length of their sentences.

Recent experience indicates that many gang members are on misdemeanor or felony probation and are repeat offenders. Consistent with the Rand report, the Office of the Los Angeles County District Attorney has proposed a pilot project to actively prosecute convicted gang members who violate their terms of probation.

The benefits of this project include a reduction in the Central Jail population, reduction of superior court caseloads, and the deterrent effect upon the probationer population, as well as the incarceration of serious hardcore gang members.

Of late, the District Attorney's Office has requested special conditions of probation for gang members. These conditions may include curfew restrictions and orders not to associate with other gang members. These conditions of probation could be more effectively enforced if there were greater dissemination of this information to the law enforcement agencies. Probation violation paralegals could ensure that this information was given to the special police task forces which are concentrating on particular law enforcement problems relating to street gangs.

Pursuant to this program, repeat gang offenders on probation could be more effectively monitored and those who violate their probation could be fairly and efficiently prosecuted.

The Los Angeles County District Attorney's Office has approximately 850 lawyers who are assigned to offices throughout the large geographical area it serves. The office has 53 regional locations, which include its downtown headquarters and the Central Trials Bureau. There are also ten branch offices which, as in the downtown office, include Los Angeles County Superior Courts, and fifteen area offices which handle municipal court proceedings. The District Attorney's Office has a Hardcore Gang Division which specializes in the vertical prosecution of habitual and serious violent gang offenders. Thirty-five experienced attorneys are currently assigned to this Hardcore Gang Division, and work both in the main office and in the branch and area offices. These lawyers have attended the Los Angeles County Sheriff's Department Gang School, and are trained to deal with problems unique to gang prosecutions, such as the use of gang informants and intimidated witnesses. Local gang experts in law enforcement estimate there are 70,000 gang members in Los Angeles County, and were responsible for 387 homicides in 1987.

When a police officer brings in a case for filing involving an identified gang member, a deputy district attorney (DDA) specializing in gang prosecutions will review the suspect's file to determine if he is on probation. If it appears that the suspect is on probation, the identity of the suspect will be verified by fingerprints (Sheriff's Automated Index) or some other method. After the suspect has been positively identified as a probationer, the complaint DDA shall in appropriate cases file a probation violation in lieu of a new case, or file a new case in conjunction with a probation violation. Presently, for logistical reasons, an in-lieu probation violation can only be filed if the probationer is on probation to a court in the same courthouse in which the new crime occurred. Difficulties arise when the defendant is on probation in one court and a potential new filing is presented in another. Currently, there is no reliable and timely method of transferring the necessary documents to the probationary court in order to initiate a probation violation. With a fax machine, the necessary paperwork could be immediately sent to any DA's office in Los Angeles County and processed as an in-lieu probation violation. This would permit probation violation hearings to be conducted immediately for repeat gang offenders.

The most cost effective method for this pilot program would be to hire paralegals. This paralegal would assist the gang prosecutor in screening all cases presented for filing, whether misdemeanors or felonies, for potential probation violations. Paralegals have proven adept at this task as they presently research and file felony prior convictions in our branch offices. They would provide the information to our prosecutors specializing in gangs who could then select the most effective and judicious method of filing the violation, whether by filing a new case or the "in lieu of" treatment. A paralegal would also prepare the necessary pleadings and cause the court file to be located and brought to the court and calendared. Our experience is that the probation violation procedure is most efficient if it can be initiated at the first court appearance when the defendant is still in custody. The paralegal could assist the prosecutor to be prepared to present evidence of the violation at the initial court appearance as well as urge that an appropriate bail be set.

In this pilot program, each branch office will have a paralegal assigned to prepare probation violation petitions. This paralegal should be supported by a law clerk in each area office which reports to the branch office.

These two programs are not pie-in-the-sky. They are practical, effective programs, which with more fiscal support and universal application, could have significant impact on narcotics trafficking.

**IRA REINER
DISTRICT ATTORNEY
COUNTY OF LOS ANGELES**

As head of the largest local prosecution agency in the country, Los Angeles County District Attorney Ira Reiner is a national leader in criminal justice and law enforcement.

Elected District Attorney in 1984, Reiner directs a staff of over 700 prosecutors which handles almost 300,000 criminal cases annually and operates on a budget of more than \$120 million. The entire office staff totals more than 2,000.

Ira Reiner is only the second independently elected District Attorney of Los Angeles in the last forty years. Of the last nine District Attorneys, seven were initially appointed by the County Board of Supervisors.

As District Attorney, Reiner has developed new prosecution policies to crack down on drug traffickers. He has emphasized prosecution efforts against street crime and gang violence. And, he has established new approaches to environmental and consumer crimes and industrial fatalities.

District Attorney Reiner has also been a strong voice in Sacramento for law enforcement legislation to implement the death penalty, combat organized crime and achieve court reform.

At the time he became District Attorney, Reiner was Los Angeles City Attorney. As the lawyer for the nation's second largest metropolis, he distinguished himself as an aggressive prosecutor of toxic waste violators, slum landlords and street criminals.

In 1977, Reiner was elected Los Angeles City Controller. He quickly became recognized by taxpayers as a tenacious fiscal watchdog, who closely scrutinized the expenditures of public funds by other elected officials.

Ira Reiner began his prosecutorial career as a Los Angeles Deputy City Attorney in 1964 and was known as a skilled trial lawyer. In 1973, he was named to the Los Angeles City Fire Commission and, two years later, he was elected to the Los Angeles Community Colleges Board of Trustees.

A graduate of Southwestern University School of Law, Reiner holds a BS degree in finance from the University of Southern California. Born in Los Angeles in 1936, Reiner now lives in the Hollywood Hills with his wife, Superior Court Judge Diane Wayne, and their children, Annie and Tommy.

9/1/86

Senator KENNEDY. You have been very, very helpful. Ms. Gourdeau, we want to thank you very much. We welcome the fact that you are here and, obviously, you have been a key figure in this whole successful effort in Lynn, MA. I think by your presence here today, you indicate the importance of citizenry involvement in this, without which I do not think the programs could have that success. So your testimony was very welcome and very important. We thank you very much for taking the time to come down to be with us. Say hello to all our friends up there at GE.

Ms. GOURDEAU. I will.

Senator KENNEDY. Thanks a lot.

We will go to the next panel, Mark Kleiman from the JFK School of Government in Cambridge, and the Hon. Reggie B. Walton, who is the Deputy Presiding Judge of the Criminal Division, Superior Court of the District of Columbia.

We will hear from Judge Walton first, if you would, please, and we look forward to your testimony. I am familiar with that street law program. I had the good opportunity back in 1974 when there was a grant from the Robert Kennedy Memorial for that street law program, and have followed its development for the last number of years.

I had the good opportunity of being with Judge Zoal up in Massachusetts. We had a law education program meeting up in our State about 2 or 3 weeks ago. It was well attended, a lot of interest in it, and an impressive group of men and women who have all kinds of interest in this issue.

We are looking forward to your testimony and then we will conclude our hearings with Mr. Kleiman. Thank you very much for your appearance here.

STATEMENT OF A PANEL CONSISTING OF HON. REGGIE B. WALTON, DEPUTY PRESIDING JUDGE, CRIMINAL DIVISION, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA, ON BEHALF OF THE NATIONAL INSTITUTE FOR CITIZEN EDUCATION IN THE LAW; AND MARK KLEIMAN, LECTURER IN PUBLIC POLICY, AND RESEARCH FELLOW, PROGRAM IN CRIMINAL JUSTICE POLICY AND MANAGEMENT, JOHN F. KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY

Judge WALTON. Thank you, Senator. It is an honor to have the opportunity to appear before you today.

I am a member of the National Advisory Committee for Citizen Education in the Law, which is the street law program, and I am here to speak on behalf of the program, but also here to speak as a local judge of a trial court.

I am, as the other witnesses have indicated, very troubled by the drug problem and the magnitude of the problem that we are confronting at this point. One need only look at this morning's Washington Post to know that we are in an epidemic, an epidemic which is strangling this city, the Nation's Capital.

We have, as of today, 133 murders committed in this city since the first of the year. The police estimate that approximately 60 percent of those murders are drug-related. Also, only about 50 percent of the murders that have been committed this year have been

solved, so we do not know whether some of those unsolved murders are also drug-related, which I suspect that they are, which would increase the percentage of the murder cases directly related to drug use.

Over the last 21 months, I have had the opportunity to preside over the most serious criminal cases being committed in this city, which involve first-degree murder, rape, and child sexual assault.

The type of violence that we are seeing is significantly different than the type of violence that I was seeing when I was a prosecutor in this city some years ago. The murders are generally committed with high-powered weapons and the individuals who are killed are shot multiple times.

It not only affects those citizens who are relegated to live in our poorer sections of the city, but it also affects individuals who are in Georgetown, Capitol Hill, and other parts of this city.

Only recently, we had two young people who were in Georgetown who were gunned down, and it is suspected that they were probably gunned down by individuals who were drug abusers and were in need of money in order to satisfy their addictions.

The problem and the magnitude of the problem is, in my opinion, incredible. We see in the court system cases that are really just mind-boggling. Only several years ago, we had a case where eight individuals who were addicted to and high on PCP perpetrate a robbery against a woman who was walking down the street. They grabbed her off the street and they dragged her into an alley. They ripped off her clothes, they held her down and a number of the individuals encouraged one in the group to take a bicycle handle bar and thrust it into the victims rectum. The victim died as a result of her injuries. These are the types of crimes that we see which are related to drugs, and it is very troubling.

Only recently, I presided over a trial involving a double homicide allegedly committed by a group of young people who were operating a drug ring and the murders occurred as a result of their activity in that ring.

One of those individuals, who ended up turning State's evidence after pleading guilty to two second-degree murders, was only 17 years old. He had become involved in this drug activity at the age of 15 and he indicated that at the time of his arrest, he was making \$2,500 per night. That is incredible for a young person at the age of 17 to be making that amount of money.

Obviously, when you talk about young people making that amount of money, the ability to discourage them from being involved in illegal drug activity is very difficult.

That is why I think it is imperative that we work with young people at the elementary school age, through junior high school, through high school and through college, and that we emphasize to them the importance of not involving themselves in drugs.

I have had the pleasure of working with the street law program and have presided over a number of the mock trials that have been put on by program, and I have been encouraged and impressed by the quality of the young people who are participants.

I think that the program itself is very influential in having an impact on whether these young people become involved in crime. Participation in the program builds self-esteem, which I think is

very important. Many of our young people we see coming before the court are not fearful of the fact that they could be gunned down while engaged in illegal drug activity.

And many of these young people will say, well, if I get gunned down, so what? There is just a sense of hopelessness among a lot of our young people, and I find that very discouraging.

But through the street law program, many of these young people for the first time have the opportunity to excel in an academic setting, and I think that provides the self-esteem that can cause a young person to say there is something else that I can do of a positive nature other than involving myself in drugs. In addition involvement in the program teaches the students the consequences of involvement in crime.

And it is always amazing to me that with the knowledge that is out there regarding drugs and the effect of drugs on individuals' lives and the consequences of the use or the sale of drugs, or whatever, that many of these young people do not appreciate the consequences of their activity.

They do not know that we have mandatory drug sentencing legislation in this city that requires that if they are convicted of a certain offense involving drugs they will have to go to jail for a certain period of time.

It seems to me that that is something that needs to be imparted to our young people because I think that if people appreciate the fact that there are severe consequences, it will have an impact on their lives, which is why I do firmly believe that the street law program has been effective in curbing crime.

There are recent statistics that suggest that even with juvenile delinquents, the implementation of a law-related education program does have a positive effect. I go out into the community quite frequently, and I try to encourage some of my colleagues to do the same, because I think it is important for judges to go out and meet young people in their own setting, as opposed to having them come down to the court all the time, because I think it is important for young people to have positive role models, which unfortunately many of our young people do not have.

One of the first things that I look at when I get a pre-sentence report regarding a young person is what is this individual's family background. Unfortunately, in most of the situations involving young people, we are finding that the vast majority of the young people involved in crime come from single-parent homes headed by a mother.

It is very rare that a young person who comes before the court is being raised in an intact family. That indicates to me that if we are going to have an impact on the drug problem and if we are going to have an impact on the crime problem, we have to have an impact on the family because, unfortunately, especially if you are talking about some of the lower economic areas in this city, you will find that the vast majority of the children are being raised only by their mothers.

That has a significant impact because in the recent drug conspiracy murder case I tried, one of the young men who testified for the government was on the witness stand and one of the defense lawyers asked, why the young man had not become involved in the

drug activity, which he indicated he had not been involved in, and he said "because my father would have kicked my behind."

I think that makes a difference, if the father is present to provide a positive role model for a child and sets certain restrictions on the child, which I think is very difficult for a mother to do in reference to a teenage child, especially when the child is a male.

I think it is obviously important that we do something to try and impact on the number of fathers who are taking responsibility for their children because I think that ultimately will have an impact on the crime problem.

I would strongly encourage the committee to consider providing funding for citizen education in the law because I do believe that it will have an impact. I agree with the other witnesses that law enforcement cannot do it alone.

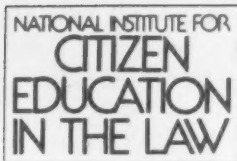
I am a very stern disciplinarian. I believe very strongly that individuals who commit crimes should be punished very severely for the crimes that they commit. At the same time, I think that the only way we are going to have an overall impact on the problem is if we deter those individuals who ultimately come into the system.

Unfortunately, I think we have to face the reality that there are certain individuals who are in the system and who are lost causes. We very well may not have the resources to help such individuals because they have made a conscious decision, for whatever reason, to live a life of crime.

But I do believe that there are a lot of young people out here who respect the law. There are a lot of young people out here who want to know more about the law and, with increased knowledge about the law, I am convinced that there are a large number of young people who will be deterred from involving themselves in criminal activity.

So it has been a pleasure to be here and I would be happy to entertain any questions that you may have.

[The statement of Judge Walton follows:]



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Written Statement of
The Hon. Reggie B. Walton,
Deputy Presiding Judge of the Criminal Division,
Superior Court of the District of Columbia

on Behalf of the National Institute for Citizen
Education in the Law

Before the
Committee on the Judiciary of the
United States Senate

June 14, 1988

entering our second decade of leadership in law-related education

I appreciate the opportunity to testify on behalf of the National Institute for Citizen Education in the Law about promising strategies for preventing and reducing drug and other substance abuse among young people through law-related education programs in justice settings and schools. The National Institute is a non-profit organization dedicated to fostering widespread understanding of the law and the legal system. Its model programs encompassing a broad range of law-related education services are available in a number of settings, including elementary and secondary schools, adult education centers, youth group homes, youth correctional facilities, juvenile courts and the community, and are being replicated throughout the country. Law-related education seeks to improve citizenship skills and attitudes of young people by providing them with an understanding of law, the legal process and the legal and political systems.

I am Reggie B. Walton, a member of the National Advisory Committee of the National Institute for Citizen Education in the Law, Deputy Chief Presiding Judge of the Superior Court of the District of Columbia and a conferee of the White House Conference for a Drug Free America. As a former prosecutor and judge, I feel strongly that law enforcement is an essential component in local and national efforts against illegal drugs and commend this Committee for its commitment to providing the legal authority and financial resources necessary /

for such efforts. Law enforcement, properly understood, must include corrections efforts and primary prevention through effective education.

The horrors of drugs can be shocking. Locally, there was the Catherine Fuller case for which as many as eight young adults were tried and convicted after having brutalized and killed a frail 47-year-old woman. They were high on PCP and wanted money when they attacked her, ripped her clothes from her and shoved a bicycle handle bar into her body causing her death.

The criminal court sees these cases all too routinely-- homicides, terror in the neighborhood, wasted lives, perverted values. Kids who become involved with illegal drugs are often without a stable home and when the society does not provide positive alternatives, they are left seeing the pusher as the model of success. We have seen teenagers who claim to be making \$2,500 a night selling drugs and protection. Its when a kid brings home drug money that serves as the economic base for the family's welfare and a parent begins to acquiesce or condone such activity that the normative force of the family home is lost and a terrible toll is exacted from society.

The number of children aged 11 to 14 being arrested on serious drug charges in the District of Columbia more than doubled between 1986 and 1987. Over 2,000 juveniles between the ages of 9 and 17 were charged with possession or sale of narcotics in the District in 1987.

Recently, our Pretrial Services Agency for the District of Columbia published a report on Juvenile Drug Use Trends and Findings based on drug tests of juveniles arrested in the District. Drug experimentation begins early with dramatic increases between the ages of 13 and 14. Indeed, the rate of those arrested who test positive for drug use nearly doubles between these years. By age 17 it may double again and by adulthood more than half of those arrested tested positive for cocaine or crack.

In my view, we must do all that we can to strengthen the family structure and to encourage the community to provide positive activities and role models for young people. In addition to strong law enforcement we must increase our efforts in prevention, education, corrections and our commitment to social welfare programs that will strengthen the alternatives to the pusher on the corner.

Over the last decade law-related education programs have been demonstrated to be an effective strategy to prevent juvenile delinquency. These school-based programs change students' attitudes toward authority figures such as judges, police, teachers and parents. They cause young people to identify and interact more with peers who are involved in positive community action and reject those who take part in antisocial behavior. Young people begin to understand the consequences of their actions and to see the legal system as protective and positive. They learn that our system of government is based upon principles they can understand and with which they can identify. Students increase their sense of self worth through participation in activities such as mock trials and community action projects. They thereby "bond" to our society's accepted values and institutions.

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The National Institute for Citizen Education in the Law and associated organizations have taken the lessons of the classroom and begun testing the effectiveness of law-related education in a variety of adult education and juvenile justice settings. From correctional facilities and detention centers to group homes and community service projects, the indications are encouraging. Already efforts are underway with the South Carolina Department of Youth Services in their group homes for

delinquent youth; a law-related education curriculum was developed for the Iowa State Training School; training is underway for Ohio Department of Youth Services teachers who work in correctional settings; Youth Service Bureaus in Maryland and teen action projects in Michigan, Arizona and California are yielding promising results.

Social scientists have found that drug education must be more than informational if it is to have a preventive effect. By integrating drug lessons in a more comprehensive approach to critical thinking and normative behavior, law-related education can provide a successful prevention model. See B. Benard, B. Fafoglia and J. Perone, "Knowing What to Do--and Not to Do--Reinvigorates Drug Education," in Association for Supervision and Curriculum Development, Curriculum Update (Feb. 1987) (copy attached).

In the District of Columbia, we have seen the positive results of the use of law-related education in justice settings first hand. The Juvenile Court Alternative Program, often referred to as Street Law Diversion is an alternative to standard probation for first-time offenders. This program has been used in the District since 1979 to keep first-time juvenile offenders at home and in school while requiring them to attend

Saturday sessions in law-related education. Through this program they begin to see the costs to the community and consequences to victims of unlawful conduct. They meet judges, lawyers, law enforcement officers and others and begin to see them in a new light. They are taught about the necessity for rules, begin to see law as protective and are taught to think about the consequences of their own conduct.

The program is highly successful. Even kids who do not regularly attend school faithfully attend the Saturday sessions and recidivism rates for these youngsters are cut almost in half--from a 40 percent rate for youngsters not in the program to approximately 20 percent for those who are so diverted. In the Cleveland, Ohio, program the recidivism rate for youngsters in the program dips to 15 percent and in South Carolina recidivism is reduced to a mere 7 percent. Similar successes are found in a total of 43 local jurisdictions employing this program model. It is within these types of programs that increasing emphasis on substance abuse and laws against drugs will be successful. If implemented on an expanded basis these types of programs should contribute to curtailing the influence of drugs among younger people.

In justice settings from diversion to group homes and correctional facilities we must begin to utilize these successful strategies and then reinforce them with community activities and support for the family that can provide the alternative to drug use and involvement upon return from the justice system. Community action projects serve the dual purpose of raising self-esteem and reinforcing positive values and behavior as well as improving the community by reducing victimization and preventing crime. These opportunities for youth service should likewise be expanded.

While there is much to overcome, we can begin to utilize each stage in the justice system to educate and reform, to encourage skill development and decisionmaking that conforms to the rules and values of our society, which provide a framework against substance abuse and bulwark against antisocial behavior. Local communities will provide the human resources to implement such efforts if the Federal Government will show leadership in funding the development of these worthwhile programs and providing national coordination and assistance for their implementation. The opportunity is apparent and the risks too great to allow us to indulge in complacency. Our law enforcement effort will not be complete unless we include programs for prevention and treatment for those high-risk youth who enter the

justice system. We look forward to working with you to ensure that this essential component of our law enforcement effort against drugs is included within your legislative consideration and national program.

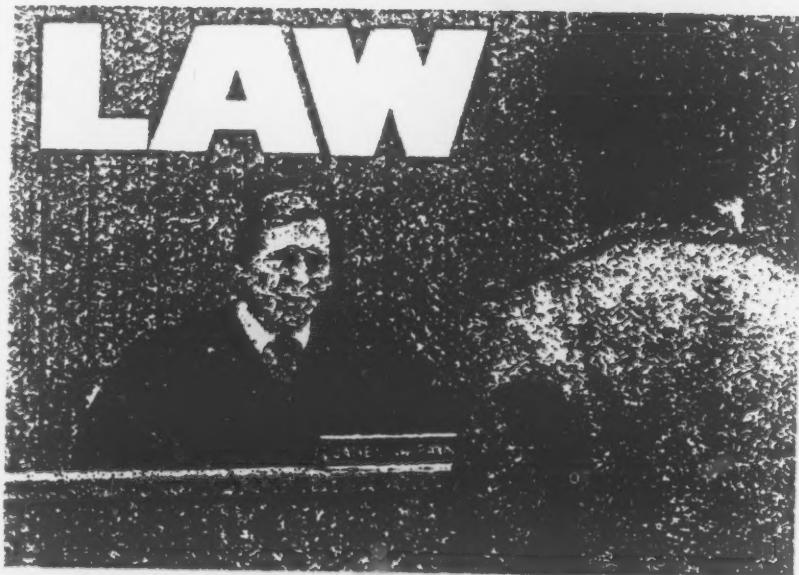
I would like to make one final point. I personally disagree with those who suggest that legalization of the distribution and use of drugs is the road we should take. The deterrent effect of the laws on young people should not be overlooked. Large numbers of young people are not involved in substance abuse and crimes associated with such activity. My contact with youngsters in the community leads me to conclude that some are being influenced by the sanctions the law metes out for such behavior. Strong law enforcement reinforces family, church, school and other positive community structures to deter young people from becoming associated with illegal drugs and their destructiveness.

Nov. 20th, 1986

THE INDIANAPOLIS NEWS

STREET

LAW



Teaching teens about 'the system'

Notorious. It's called the Street Law program but it doesn't teach street law at all. It debunks the myths of the street, telling kids, for instance, that standing lookout for a thief is a crime too.

Street Law is an alternative to detention or standard probation for juvenile offenders. The program kicked off in Marion County Oct. 28. For 12 weeks, young offenders must spend two hours each Saturday morning in class.

Prosecution officers conduct background investigations and recommend the juvenile court judge assign Street Law to qualified youths.

Generally, the candidate must be age 12 to 16 and a first offender in a non-violent crime like shoplifting or petty theft.

"If they had a weapon, they're out of here," said Robert Ross, who coordinates the program.

"We get a lot of kids who don't really understand what the legal system is all about," Ross said. "The class breaks things



New program
demands
'thinking'

— Robert Ross

down in a way they can understand. It's not just a class setting. It requires thinking and some writing. They have to role-play.

Ross runs the Saturday sessions. For help, he brings in public defenders, prosecutors and police officers to talk about their parts in the legal system.

"We're trying to use if knowledge of the system will keep them out of the system. We show them if they start causing at the police officer that's going to give him an attitude."

Juvenile Court Judge James W. Payne said the program is intended more to modify behavior than to simply educate.

"We're not just teaching about the law but teaching the consequences of breaking the law. If you break the law, it's not your parents, but you, who are responsible," Payne said.

He said it's too soon to tell whether the program will work here. He said the court will measure short-term success in the numbers who complete the course. But in the long term, a lower rate of repeat offenses will mean the youths have learned to behave within the law, he said.

Ross said, "This will filter down, especially to attorneys. It's like stepping the welfare cycle by giving someone in the family a job."

For some, a lesson is learned

© STREET from Page 21

When the group members go into mock court, Ross keeps order just at the edge of participation. Members of each group argue passionately, bringing up the Bible, the law, temporary insanity. Once, a member of the defense team falls back on the last resort, lying, but the group at large shouts him down. Ross and the prosecutor stay out of the discussion except to strengthen out legal misstatements. The conversation hardly needs spurring. No trace of silliness is left in the room.

Soon the conversation drifts to lesser, more personal crimes — fighting at school, stealing. The group begins to see that there are degrees to guilt and corresponding degrees of punishment.

Maybe there are even ways to deal with conflict without fighting.

When they get back to the murder case, a member of the prosecution team switches sides momentarily.

"I wouldn't do him," he says. "but I wouldn't let him go either."

"Then why are you in here now?" says one of his peers dryly.

This bit of court wisdom injects a momentary jarring lesson in reality. And it seems like a natural stepping stone. Ross lets them go.

On the way out, the kids forget to be quiet. Most of them seem charged by the morning's exchange. A couple of them even toss a "Seeya-round" at the adults. They'd never admit it of course, but to some, Street Law this morning was fun — maybe even better than the Smurfs.

By JAMES V. SMITH JR.

The Indianapolis News

KILLING and conviction. Heavy-duty stuff for a down kid to be detouring on a Saturday morning while all their buddies are still messing in bed or vegetating on the sofa in front of Smart cartoons.

But this group of kids loves the law, and a judge assigned them to the Street Law program. They're assembled in the basement of the Marion County Juvenile Court building, where they'll be learning the realities of the criminal justice system.

The first reality — no messing, no vegetating, no sleeping, no eating these things.

Or else.

"Most of the kids are real attentive," says Robert Ross, the prosecutor officer who coordinates the program. "But it helps to have the court behind you. They know the judge can stop their little games off."

Alan helps that Ross stands 6 feet 2 and weighs 210.

So killing and conviction. It is.

The title of the class is on the blackboard: "The case of a fictional murder case at noon." Ross has 11 in the room yet. These kids don't particularly care. So far half a dozen have shown up. They're slouching impatiently low in their chairs, tapping their hands down over their noses, covering their faces, latest hand expressions, trying to make each other in during the hour.

The conversation is in murmur.

"How'd you get caught?" someone asks.

"Cap got me," mutters another.

"He too. I shoulda thrown the stuff over the fence and got on with it."

More members of the group slump into the classroom.

In a few minutes, the conversation cracks up again. Instantly the topic dies down. The chatter about trading clothes on the playground keeps going up each other-mouth to a street jive pace that sets the classroom rooming to keep up. The volume keeps up too as each tries to really out-rebuke the other.

Until Ross enters the room. Then the minutes clunk to a stop like overhauled engines in a motor of confusion.

It isn't that these guys are intimidated by Ross — he doesn't throw his weight around. It's that he has brought in a woman, a blonde. Pretty. Looking almost young enough to one of the group. They are her up in a crowded silence, trying to find a paragraph for her in their experience. It's tough. All but two of these kids are black, and there aren't many paragraphs for young blondes in any of them.

Ross introduces her as a guest participant from the prosecutor's office.

"Prosecutor?" speaks one bold kid in shrill disbelief.

"Yeah," says Ross.

"See you in court," says the bold one, and the group titters.

"See you in court," says the prosecutor with her own earnest grin, and the group breaks up in laughter, visibly relieved. They've now got a paragraph for her. She's a symbol of authority. Now they know to not mess-around.

But Ross doesn't let them. He is a dreamer. He knows how to work a crowd like this because he has been there himself, in trouble and out before his adoptive parents and some high school football coaches threw him out.

He introduces that famous case. After 25 days of trial at one with no feed, three adults agree to draw into the witness get to tell and out the hour so at least two will survive. Five days after the bloody deed, the two are released. Adults, they are placed on trial.

There's an undercurrent of chatter and giggles.

"But the dude? Yeah?"

But Ross knows they got down to deciding the question: Should the pair be tried for murder? He divides them into prosecutors, defense attorneys, judge and jury for separate discussions.

The defense players are offbeat because they don't believe in the color of someone. They agree because they have to defend them anyway. Among the defense team, there is current discussion about the varying degrees of murder and a few questions about the meaning of the terms "murder" and "premeditation." They argue for defense. A strong argument for the bold one is being cropping up.

"Why can't we just say the guy died in the shop?"

Across the room, the prosecutor is having no trouble acting as judge, jury and executioner. They're ready discussion.

"They left the guy and she had. She was the death penalty."

See © STREET Page 22

Street law classes for juvenile offenders

By Robert W. Boto
Advertiser Staff Writer

A program for juvenile first offenders that has had dramatic effects in reducing repeat crimes in

Mainland

cities is scheduled to begin in Honolulu next month.

The idea is to teach "street law" in special classes to youngsters under 18 who have

just received their first conviction in family court. The new program will be administered by the Hawaii Council on Legal Education for Youth (HICLEY).

Yesterday its framework was explained by Mary Curd-Larkin, a Washington executive with



Curd-Larkin



Thomas

the National Institute for Citizen Education in the Law, and Tom Thomas, executive director of HICLEY.

"Kids who have been through the program in Washington have a 15 percent re-arrest rate," Curd-Larkin said. "That contrasts with a re-arrest rate of 40 percent for others."

"Our own re-arrest rate for first offenders here is now 40 to 45 percent," said Thomas, "but of course we don't expect to drop to 15 percent right away."

"Still, if we can keep one kid out of Koolau, it's worth while," he said. "And that one case would also save the taxpayers \$32,000 to \$34,000 a year."

Curd-Larkin explained that the program grew out of a suggestion by a Washington judge that children should be taught the kind of law that might directly affect them.

"The problem is they think they already know something about the law, but they don't," she said. "For instance, they may mistakenly think juvenile offenders have the right to a trial by jury. When they don't get that, they're resentful because they think they've been railroaded."

She said youths sometimes believe that if they

only stay outside and watch for the police while their friends go in and rob a store, they won't really be involved.

"We have to teach them that they're just as guilty as the guys who went inside," Curd-Larkin said.

She said the classes also help kids come up with ways to diplomatically get out of "going along with the gang" on a law-breaking expedition.

"Of course we don't tell them exactly what to say, because it has to sound convincing," she said. "They won't get away with saying they have to go with their parents somewhere. But an acceptable excuse is that they have to meet their girl — or their parole officer, for instance." The program is being set up here in cooperation with the courts and the prosecutor's office, the two said.

Asked if someone might say that the program might teach children how to get around the law, Curd-Larkin said that was not an unusual accusation.

"But we've got the facts," she said. "It has proven to have just the opposite effect."

Psychology Today
July 1986

PUBLIC SECTOR

A PLACE to go straight

Young people picked up for the first time for shoplifting, vandalism or other minor crimes have often simply made irresponsible decisions without realizing the consequences of their actions.

This belief is at the core of PLACE, a program started in Syracuse more than two years ago to teach juveniles charged with minor offenses about the criminal-justice system and themselves. According to James Carroll, who started and directs the program at Syracuse University, "Project PLACE forces these youths to examine situations from different perspectives. They begin to realize that their actions affect not only themselves, but their families, friends, innocent victims and their future."

The youths in the program are first offenders, 12 to 15 years old, who have been referred by the police or a probation agency. They and their parents or guardians must volunteer for the program and agree to abide by its rules. The young people attend eight 90-minute classes in which the teachers get them involved in mock trials, role-playing and discussions of

the juvenile-justice system, decision-making and causes of delinquency. They examine crimes from the perspective of others—judges, prosecutors, the police—and from their own as well.

In one session, for example, the youths talk with recent victims of property crimes to help them understand the consequences of such crimes. In another, they go through the booking process at a jail—finger-printing, a lineup, being put in a cell—to experience directly what could happen if they commit another offense.

Results for the first two years of the program have been good. Of the more than 100 youths who have participated since 1984, telephone surveys with their parents or guardians reveal that only 11 percent had been rearrested by the end of last year. Nationwide, about 40 percent of all first-time offenders are rearrested within one year. —Jack C. Horn

The Washington Post

Wednesday, April 14, 1982

'Law School' Helps Youths Wise Up and Stay Out of Trouble

By LEAH Y. LATIMER

Washington Post Staff Writer

He is 17, an 11th grader who during all of his years of schooling found the same symbols of academic failure stamped on his tests and report cards. He was arrested last summer for breaking into a car and was fingerprinted and booked downtown.

But he got a break. It was his first offense and he accepted an alternative to jail. He was sentenced to a 12-week course on the law and juvenile justice. Since then, the youngster said, things have drastically improved.

"It was the first time in my life I made A's and B's," he said of his recent report card, crediting the change to the adage that educators, psychologists and common sense people have always maintained is a key to success: "I felt good about myself. Street Law put me in a positive state of mind."

Street Law, a tell-it-like-it-is course in most everything kids ever wanted to know about juvenile justice and the law, is working wonders for some youngsters involved in a pretrial diversion program for juvenile offenders in the District. The youthful first-time offenders, charged in juvenile court where con-

fidentiality is assured, joke that they are "scared straight" with information, frankness, peer pressure and concern.

And D.C. officials, concerned with school violence, vandalism and juvenile crime, say they have found a popular program that can make average youths better citizens and prevent misguided teen-agers from straying further.

Street Law is a growing trend in education and juvenile justice nationwide that originated 11 years ago in the District's public schools. Today, it is taught as an elective in 14 D.C. high schools and in about 500 school systems nationwide. A dozen juvenile justice programs across the country are modeling Street Law projects after the District's 3-year-old Street Law Diversion program. A new study by the U.S. Department of Justice, to be released later this month, found that such law-related education programs can reduce juvenile delinquency. The report's findings are expected to help foster the national trend toward more law-related education for juveniles.

Besides learning about other aspects of law such as consumer rights, housing and family law, Street Law students learn how to stay out of

See LAW, Page 6, Col. 1



Boonville High School students prepare for mock trial. From left, students Bruce Lewis and Edith Larson, Instructor Charles Unkovic, students Brian White and Christine Barham, Georgetown students Robert Elton.

LAW, From Page 1

trouble and find out what to do if they find themselves in it.

A 15-year-old ninth grader in the diversion program said he didn't know he could be arrested for riding in a car with friends and their sister came of mido pop. "If I'd known what I know now, I wouldn't be here," he said.

In some cases, like that of the 17-year-old arrested for breaking into a car, the Street Law program is one that helps kids find out what they themselves by showing them that they fit into society.

Mary Carl, coordinator of the diversion program, explained how this works. "If a child feels like a kind of compartment—I can do something about my plight," then he is more ready to conform to what society expects," Carl said. "If he sees absolute down—'Nothing I can do will change things'—the next step is 'Why should I try?'"

Carl said youth in the diversion program, who attend two-hour classes on Saturday mornings for 12 weeks, have a 15 percent rate of recidivism, compared to a 40 percent rate for youth arrested for similar crimes.



James H. Brown, Jr., director of the Washington Post's "Street Law" program, is seen with students of the program. From left, students Bruce Lewis and Edith Larson, Instructor Charles Unkovic, students Brian White and Christine Barham, Georgetown students Robert Elton.

'Street Law' Helps Kids Stay Out of Trouble

who do not take part in the program. Street Law is a popular course also among D.C. high school students, who say they like its practical, straight-to-the-point approach and the interrelated "comprehensions" that will be in the diversion program.

The program was announced in March 1981 at an All-Star meeting in the city. The program is scheduled to begin in the fall of 1981. The first trial is scheduled to take place in the fall of 1981.

Both the diversion and the school programs are coordinated by the D.C. Street Law Project of Georgetown University Law Center in Washington, D.C. The program is designed to help students understand the law and its consequences. The program is designed to help students understand the law and its consequences.

At Catholic High School, students who have been arrested for crimes are given the opportunity to participate in the Street Law program. The program is designed to help students understand the law and its consequences.

Student Law classes involve field trips to courthouses and correction

independent on citizens who report in delinquent behavior. Street Law project collector Mary Carl said the program is designed to help students understand the law and its consequences.

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economic levels and every section of the city are involved in vandalism, shoplifting, drinking, cutting classes and other things. The program is designed to help students understand the law and its consequences.

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A second chance

Program turns young first-offenders away from crime

By Jeff Fesley
Staff writer

At first, 15-year-old Roy thought breaking into the school would be fun.

But after police arrested him and charged him with a misdemeanor, Roy (not his real name) got scared.

He became scared that he would be sent away from his mother and family to a juvenile home, scared that his dreams of becoming a lawyer would be shattered because of a criminal record.

But Roy and other teenagers like him have gotten a second chance, a chance to clear their names, thanks to a program aimed at turning youngsters away from crime and the conventional juvenile justice system.

Under the new program, sponsored by the Department of Youth Services, juveniles charged with non-violent crimes can avoid going on trial by taking an eight-week course on the legal system and citizens' rights and responsibilities under it.

The program is for first-offenders who are screened by the youth agency and the prosecutor's office. Roy got

one chance to successfully complete the program.

If they successfully complete it, then the solicitor's office agrees to not prosecute the case. The arrest is expunged from police records.

Rocky Macco, a DYS crime prevention specialist, said the program, based on one used by the school system in Washington, D.C., has been operating in Richland County since August. It is the first in the state.

But a \$17,000 grant from the federal government will enable DYS to begin similar programs next month in 13 counties.

"It's a way of getting to them early and showing them how they can make decisions that will help them stay out of trouble," Mrs. Macco said.

"But the program doesn't just help kids clear a stain off their record," she said. "It cuts down the number of juveniles that have to go through the criminal justice system — something we need in this state."

According to DYS figures, more than 1,400 juvenile cases were handled by Richland County courts in 1982. Statistics show that 11,400

juveniles were brought before Family Court judges last year.

Mrs. Macco said that more than 600 juveniles are confined in juvenile facilities across the state, at an average cost of \$20,000 a year per child.

In addition, it costs taxpayers \$1,000 a year for each child placed on probation. Mrs. Macco said thousands of children are on probation statewide.

"Each kid we can reach in these classes is one less kid that has to go through the system," said Ray Carranough, director of court services for DYS. "That puts tax dollars to work doing other things."

"To the class, they say hello, for the first time, what is right and what is wrong," Carranough said. "We can't assume they are getting that information at home."

To complete the course, the youngsters, ranging in age from 12 to 16, must attend eight, two-hour sessions taught by volunteers.

The classes, composed of 12 teenagers, teach on various aspects



Volunteers talk to an eighth grader before class. Photo by Carol A. Fox.

The Columbia Record Oct. '8, 1984
South Carolina

Juveniles

(Continued from 1-A)

of the legal system, including how laws are made, how police make arrests, what child abuse is and the rights of juveniles under the law.

But teenagers don't just sit in class and listen to instructors drone, according to Mrs. Mace. The teachers — lawyers from Palmateo Legal Services in Richmond County — have students act out different roles to see how the system works from the inside.

"They get a chance to play-act like city council members. They make the laws and then decide what exceptions to grant," Mrs. Mace said. "They have the power to decide what is and isn't right for society. They see how laws evolve."

Special lecturers, such as policemen and DYS officials, also talk to the class and explain what happens to young people who break the law.

In addition, the class, made up of juveniles arrested for shoplifting, simple possession and breaking and entering, participate in a mock juvenile court hearing, to see what going on trial is like.

During the hearing for the Richmond County class, held before Family Court Judge Carol Connor, the teenagers act as solicitor, defense attorney and defendant in the trial of a hypothetical case.

"I hope you all realize I've tried to teach you a lesson in this hearing," Connor told the group as they sat in the courtroom.

"Some people think coming to Family Court is a joke," the judge

said. "But I assure you it is not. It is very serious. If you ever have to come back here, it will not be fun."

But does all this really dissuade teenagers from breaking the law?

Roy, a student at a local middle school, said the program has helped him learn to make decisions for himself, rather than just following the lead of his friends.

"Now, when someone says, 'Let's break in there,' I know I can just tell them to do what they want, because I'm going home," the 13-year-old said.

"I'm not going through the system again. Now I know what happens if you mess up. I don't want to go to any jail where I have to fight all the time. I don't like to fight," Roy said.

"Besides, I want to be a lawyer and you can't do that in South Carolina with a criminal record," he said. "I'm just glad they (the teachers) cared enough to give me another chance."

If the program can work for Roy, Mrs. Mace said, it can make similar impressions on teenagers like him across the state.

"Statewide the rate of recidivism, or repeated offenses, for juveniles is running at about 28 percent," Mrs. Mace said. "For Richmond County, it's about 31 percent."

"In Washington, they were able to bring their rates down 20 percentage points," she said. "If we could do that here, we would take an enormous financial strain off the courts and the citizenry."

"Besides, this program turns kids away from crime and makes them productive citizens," Mrs. Mace said. "Can anyone put a price tag on that?"



Detective Paul Gomes, of the New Haven Police Department, Juvenile Services Division, discusses law enforcement career opportunities.



Emergings

September 1992

Youth Law Education: A framework for decision-making

Young children are involved in petty and serious crimes. We ask ourselves, how can these things happen? What can we do? Why does one 12-year-old decide to stick to the system and survive the traumas of modern adolescence; and why does another decide to shoplift, steal a car, become a juvenile delinquent?

The fact is, in the case of the delinquent, most often *no decision* was made. The child simply reacts to the world around him, as he sees it. The technique of making a decision, even the information on which to base a decision, is missing.

"All adolescents test life. It's part of growing up," explained Terry Miller, one of two teacher/coordinators working with the new Youth Law Education Program. "When I talk to parents about shoplifting, I ask them how they deal with their child's taking things within the home. If there's a lax attitude at home, to which the effects of television and peer relations are added, a child can identify a network that allows him to steal."

The Youth Law Education Program, a 10-session course for 12 to 14-year-olds at risk with the law, gives youths an up-close look at a court room, the police department, drug laws, school law, rights, and responsibilities. It gives them the kind of information they need to build a new framework, for socially acceptable actions.

At the same time, the program stresses decision-making. "We ask them 'Are you ready for the consequences of your actions?' They must learn to make decisions—that's maturing," said Verdeil Roberts, the other teacher.

In a decision-making session with the police department, an officer described a hypothetical crime scene: A young man broke into a house. The police were called and chased the youth into a blind alley. The policeman saw something flash and had to decide instantly whether to shoot, look for cover, or call to the boy.

Many youngsters in the program felt the policeman should shoot. What if the flash had been only the boy's belt buckle? Then, of course, the right answer was "no, don't shoot." But this time it turned out to be a loaded gun. The program participants discovered for themselves how difficult and important a decision can be.

In another session, magazines were handed out and these early teenagers were asked to cut photos from them and make a collage picturing what they would like to be at age 25. From this exercise the teachers helped the children define their goals and talk about what it will take to achieve those goals. It became evident to the youngsters that what they do today will affect tomorrow and the rest of their lives.

The Youth Law Education Program is based on a successful model developed at the University of Washington Law School. Such diversion programs are growing across the country, as it becomes recognized that the best way to reduce crime is to prevent a youth from entering the criminal justice system.

Funded by a \$16,250 grant from the NHF, and with the support of state and local organizations, the New Haven program was set up to work with up to 20 young people referred by the police for minor, first offenses. After an intensive

screening process, each youth, together with his or her parents, must decide to volunteer for the program and sign a contract.

"What attracted me to the program," said Mr. Miller, "is that it attempts to deal with youngsters before they get involved in the criminal justice system." Once in, offenders tend to repeat. "The program also recognizes that corrective action should be taken with the cooperation of the parents. We talk to parents about their children's activities. . . . I tell the kids all the time, 'You know who your best friend is? Your mother and your father. Talk to them.'"

According to a parent assessment questionnaire, the children talked with their parents a great deal about the program. Since one boy's involvement in the program, his grades have improved, and he's volunteering at the hospital. Another boy said, "I know I still have some problems with myself, but I made up my mind to finish this year of school, and I did." In many cases, those involved with Youth Law Education are now thinking about their actions.



Teacher/coordinator, Verdeil Roberts.

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Mary Gurd-Larson

THE STREET LAW DIFFERENCE: A Diversion Program for First Offenders

Reporter: Can I ask what got you all in the courts?

First Youth: I was arrested for grand larceny...my fingers got stuck to this car radio one night.

Second Youth: I was with a group of people that got caught for stealing soda...I was in the car when they were coming back. We were given a Consent Decree and we had the choice of taking the Street Law Program or having a parole officer.

Reporter: What did you like best and what did you like least about the program?

Second Youth: I hated getting up in the morning—it was cold. What I liked best was going in the place behind the judge in court, talking to people like run-arounds and police who tell us the way things really happen.

Reporter: Hadn't you ever talked to a police officer before?

First Youth: Well, before then we saw police like Officer Friendly telling us stuff like "Don't talk to strangers," "The light is red." The next time I talked to a policeman he said, "You're under arrest."

Reporter: Has Street Law made a difference?

Second Youth: Yeah, definitely. If I knew then what I know now, I would have walked home instead of getting a ride with the gang.

First Youth: Last year I was a 10th grader. I played football, and made D's and F's. This year I got locked up in August, started the program in September. This is the first time in my life that I made A's and B's—A in history, B in math. Everything that was important, I passed. The lowest grade I had was a C.

I felt good about myself. I felt like I wasn't going to fail in the hole, now that I've found out the hole was there. Street Law puts you in a positive state of mind.

Above are excerpts of a recent interview by a reporter from the *Washington Post* with participants of the "Street Law Diversion Program." The interviewed youth are typical of many who have completed a model diversion program directed by the National Street Law Institute in Washington, D.C.

The juvenile justice system has increasingly used alternatives to formal processing of youth since passage of the Juvenile Justice and Delinquency Prevention Act of 1974, which stated that it is "the declared policy of Congress...to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives...." The problem of juvenile systems that are often overwhelmed with cases also speaks in favor of diverting first-offender youth charged with minor infractions from the system. The Street Law Diversion Program is designed to offer a law-related educational alternative to first offender juveniles who would

otherwise be assigned to informal supervision by the courts. Why divert these youths into a law-related program?

WHY LAW?

In our society, law is a pervasive element. Virtually everything people do, adults and juveniles alike, is affected by law. Yet for young people who encounter the juvenile justice system for the first time, law all too often acquires a negative connotation, which can persist throughout their lives. These youths often get the mistaken impression that "law" means police, courts, detention and punishment. The Street Law Diversion Program helps erase that limited view by promoting

"Adolescents in the 13-16 age category may be 'street wise,' but it is usually a mistake to take for granted that they have a reasonable grasp of the law and how it applies to them.... The diversion program's educational approach has rehabilitative value because it helps students understand our legal system while enabling them to develop personal strength to say 'no' when confronted with opportunities or invitations to break the law."

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the concept of law as a protective system.

In addition to learning a positive concept of law, youths who are experiencing court contact need to know their legal rights and responsibilities as it pertains to their daily lives. These youths also need to learn to participate in the democratic processes which shape today's society. After all, society holds all citizens responsible for knowing basic law and for abiding by it. Courts can perform a valuable service by preparing adjudicated youth for responsible adulthood. The Street Law Program is an important element in this process.

Adolescents in the 13-16 age category may be "street wise," but it is usually a mistake to take for granted that they have a reasonable grasp of the law and how it applies to them. In fact, we have repeatedly found, through our pre- and post-test evaluations, that first-offender youths do not know the answers to such questions as: Do police make laws? If you are caught with any amount of marijuana in your possession, can you be arrested? Do you have to give your name to the police if they ask? If you are in the company of someone who is robbing a store, can you be charged with robbery, even though you did not participate in the crime?

The diversion program's educational approach has rehabilitative value because it helps students understand our legal system while enabling them to develop personal strength to say "no" when confronted with opportunities or invitations to break the law.

DESCRIPTION OF THE MODEL DIVERSION PROGRAM

The major element of the Street Law Diversion Program is a 12-week course in practical law for pre-adjudicated youth. The Saturday morning classes, which often meet in courthouses, consist of 15-20 students supervised by a teacher whose training is law-related. Students learn about the legal system, with emphasis on the juvenile justice

"The relevance of the law-related curriculum and the accepting atmosphere of the street law diversion classroom create a winning combination. Within the class, the students are not labeled, segregated, isolated or alienated by the teacher. For some, this is their first positive educational experience."

system and practical law as it affects everyday life. The teacher uses a variety of teaching techniques and lessons to give the students multiple opportunities to examine their legal rights and responsibilities and to stimulate their awareness of peer group interaction. In addition to juvenile law and juvenile court procedures, the classes offer explicit coverage of school law, family law, the legal process and principal aspects of criminal law.

Parents are required to attend the first class in order to learn about the program. They are also encouraged to participate in the remaining classes. It is a common event to see mothers and fathers taking part in the class lessons along with the students.

Attendance is mandatory for enrolled youth. Three unexcused absences indicate non-compliance with the guidelines for informal supervision and may cause the absentee to be petitioned for his/her original charges.

Since the model program's inception in 1979, in only three instances has a youth been petitioned for attendance non-compliance. This commendable record comes about because, when an absence occurs, immediate follow-up takes place. The diversion program teacher or an assistant makes it a priority to locate the student, find out what happened to bring about the absences, and to talk to the responsible adult in the child's life. The aim is to remove whatever obstacle was causing the youth not to show up. Another factor in the low absentee rate is the simple fact that by and large the students enjoy the program and have no desire to miss any part of it.

THE COURSE

The relevance of the law-related curriculum and the accepting atmosphere of the street law diversion classroom create a winning combination. Within the class, the students are not labeled, segregated, isolated or alienated by the teacher. For some, this is their first positive educational experience. The teaching strategies utilized in the program are activity-oriented and allow full participation by students. Commonly, students energetically undertake role-playing, presenting a mock trial or simulating a police arrest. One lesson addresses itself to "how not to go rob the grocery store when the gang want to, but you don't." Many lessons simulate situations in which delinquent behavior is likely so that the principles and methods involved in staying out of trouble can be applied in these simulations and then re-applied in real contexts.

Another aspect of the program includes the use of community resources in the classes. Attorneys, judges, police and social workers participate in the classes as volunteers.

Even though the curriculum uses accepted methods of teaching social studies, students are not actually required to have mastered reading. Therefore, all students can comprehend the content of the lessons regardless of their reading level. Students with diverse reading abilities are at ease in these classrooms.

The objectives of the Street Law Diversion Program are:

- to build skills that will help enable students to deal adequately with daily practical law-related situations.

- to increase the students' level of knowledge of basic legal rights as well as responsibilities,
- to help develop decision-making skills as they relate to law and the legal system.

THEORETICAL BASES FOR THE PROGRAM

Both bonding theory (Hirschi, 1969) and opportunity theory (Merton, 1938; Cloward and Ohlin, 1960) support the prediction that delivering law-related education (LRE) to young persons in either a police or court diversion program will have favorable impact on factors associated with delinquency and will contribute to a reduction in delinquent behavior. This favorable impact of LRE is independent of any gain attributable to the act of diverting youth.

Bonding theory is based on the belief that most people stay out of trouble because they are bonded to the conventional norms of society through their affiliations with a variety of entities in home, school, church and the workplace. As long as ties to at least one of these affiliations remain strong, an individual is likely to conform to the rules. This conformity is maintained through a variety of factors. First, there is a *commitment* to interests that misconduct will jeopardize. Enrolled youth seem to have a stake in completing the program. They don't want to be the one who was re-sentenced and therefore didn't show up for class. Second, there is an *attachment* to other people to the extent that violating norms of conduct will threaten that attachment. The trained diversion teacher is successful in establishing a rapport with students. Many students have reported that the teacher was more "like a friend than a teacher" because the teacher listened and told them things that they needed to know. Third, there is also an *involvement* of both time and energy in activities. Students in the diversion program are investing their time and energy every Saturday toward learning. Finally, there is the *belief in the moral validity of social rules* and the mechanisms used

"Bonding theory is based on the belief that most people stay out of trouble because they are bonded to the conventional norms of society through their affiliations with a variety of entities in home, school, church and the workplace. As long as ties to at least one of these affiliations remain strong, an individual is likely to conform to the rules."

to enforce them. This refers to a belief that rules and the justice system are mostly necessary, useful and just, rather than unnecessary, alien and unfair. Portions of the curriculum deal explicitly with the necessity for rules and enforcement. This is achieved by presenting a balanced view of cases and situations concerning the justice system. We also try to counteract the view of the justice system as being arbitrary by conveying an understanding of the circumstances under which due process and fairness are less likely to be realized and acknowledging areas where definitive legal answers do not currently exist.

Opportunity theory is based on the belief that in our society the same worthwhile goals tend to be desirable to everyone. Problems occur if inequality of opportunity makes it impossible for a person to play by the rules and still get what he or she wants. People then turn to illegitimate means to achieve culturally prescribed goals or they reject the goals and means of achieving them by retreating socially. The Street Law Diversion Program strives to extend opportunities to every student in the class to demonstrate competence.

Through the use of community resources such as police, attorneys, judges

and social service workers, the Street Law Diversion Program also tends to broaden the number of conventional ties available to youth and provide access to these resources. This is also consistent with opportunity theory.

PROGRAM COSTS

One of the benefits of implementing a street law diversion program is that it is cost-effective when compared with one-on-one treatment by a probation officer. Such economy is possible because the part-time teacher works with 15-20 students at once.

Program expenses fall into four categories. First is the part-time LRE teacher who is responsible for teaching the classes for two hours every week. Next is the cost of a part-time coordinator who is responsible for enrolling students, conducting follow-up, preparing court reports as required and continuing to check on students. (In some instances, the teacher and the coordinator are one and the same.) The third category of expenses is public transportation money. Each week students are given bus fare so that lack of money won't hamper their attendance. Finally, miscellaneous expenses include duplication, materials,

"Opportunity theory is based on the belief that in our society the same worthwhile goals tend to be desirable to everyone. Problems occur if inequality of opportunity makes it impossible for a person to play by the rules and still get what he or she wants."

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postage stamps, etc. Since the actual lessons are incorporated into the Street Law Diversion Handbook, which can easily be reproduced, the cost of materials is minimal.

THE VARIOUS PROGRAM MODELS

The flexibility of this kind of diversion program is evidenced by the fact that it has been replicated in many juvenile justice systems.

At present, 10 jurisdictions have functioning street law programs. New Haven, Connecticut, has a program that targets first offenders and is *police diversion* and pre-adjudication. That is, the police refer students to the program. Attendance is not mandatory; however, there has been no problem with absenteeism. Montgomery County, Maryland, targets its law-related educational program to those detained for first burglary offenses — it is a component of probation. New Orleans, Louisiana has a program which is an alternative to incarceration for repeat juvenile offenders. Other replication sites include Compton, California; St. Louis, Missouri; Prince George's County, Maryland; Cleveland, Ohio; Clearwater, Florida; St. Petersburg, Florida; and Paterson, New Jersey.

While replicated programs have different target groups, they all share some components. They all teach about law-related subject matter, use activity-oriented teaching strategies, are accountable to the courts for students'

progress and share similar goals and objectives.

FUNDING

Currently, the District of Columbia program is funded by the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice. Other replicated sites have funding from various sources. If you are interested in starting such a program, I would recommend the following possibilities:

1. **State Criminal Justice Monies.** Being funded by your state planning agency or crime commission is a possibility, if you are willing to become involved in building support for your program proposal. Currently, law-related diversion programs are funded in the Formula Grants Division. Any program funded by the state must first be included in the state plan.
2. **Your Local Court System.** This is probably the most desirable place to have funding. It implies that the local juvenile justice system has bought into your program and accepted it.
3. **Private Foundations and Corporations.** Many of these grantor organizations consider community service a priority. Some specify youth as a target group, while others have a commitment in the juvenile justice or criminal justice area. This is a good place for initial funding. However, remember that your objective will be to have your program become an integral part of the court's services.

EVALUATION

Recognizing the importance of measuring impact, the Office of Juvenile Justice and Delinquency Prevention contracted with the Social Science Education Consortium and the Center for Action Research to evaluate law-related education and law-related diversion as an effective delinquency prevention tool. Preliminary results have revealed that "Law-related education, when taught according to specific, identifiable standards can serve as a significant deterrent to delinquent behavior." This evaluation was conducted in regular school classrooms. The findings for LRE as an alternative to probation are also encouraging, but they are inconclusive. Whatever the results, the evaluators are stunned that the recidivism rate in the District of Columbia for Street Law Diversion Juveniles is 15% compared with a 35-40% recidivism rate for consent decree juveniles who do not participate in the diversion program.

For additional information, please contact Mary Curd-Larkin, Program Director, National Street Law Institute, 605 G Street, N.W., Washington, D.C. 20001, (202) 624-8217.

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Law-Related Education An Iowa Success Story



About the Authors: Judith A. Zimmer is program director for Special Projects at the National Institute for Citizen Education in the Law, Washington, D.C., and Steven R. Huston is acting superintendent of the State Training School, Eldora, Iowa.

John Meiser, a youth service worker at the State Training School at Eldora, Iowa, asks three students to report on drug and alcohol rules used in their home school districts. He is using material from a new specialized curriculum called "Governance." He asks the boys to analyze each of the rules using the "Rules About Rules," which they learned the previous week: Is the rule written in clear language? Is it understandable? Does it contradict any other rules? Is it en-

forceable? Are there reasonable penalties for breaking the rule? Are the rules known to those who must follow them? Meiser follows up with questions designed to involve students in discussions about the reason for the school rule. He is teaching fairness and constitutional rule analysis, which are the basic building blocks of law in our society.

Greg Patterson, a cottage director at the training school, patiently rehearses the young plaintiff's counsel on some of the finer points important to the youth's direct examination of a witness in a mock trial scheduled for that afternoon. The institution's intramural program includes mock trials between cottage residents. Students prepare their cases and present witnesses and evidence. The jury, composed of students from a neutral cottage, deliberates and decides on a verdict. Frequently, students who have not shown much in-



Implementation of law-related curriculum at Iowa's State Training School involves participation in mock trials and other sessions, coupled with a balance of vocational skills and recreation.

terest emerge as enthusiastic mock trial participants.

Carolyn Engel, the Title I reading and mathematics teacher, helps students review law-related vocabulary and concepts they will use in their living unit at the institution during the coming week. This process helps students with their law-related education material. The more comfortable they are with the material, the more likely they are to participate in the educational strategies in their cottages. The more they participate, the more they learn. These are examples of the way law-related education has percolated through the institution.

Law-related education teaches students to become effective, law-abiding, participating citizens by bringing the law to life in the classroom. Students are actively involved in their own learning through strategies designed to teach



Photos by Steve Haddock

them interesting topics like juvenile, family, and consumer law. Mock trials, court cases, and state statutes, coupled with the integration of community resources such as police and judges, are used to involve students actively in learning about law.

The Juvenile Corrections Education Program introduced law-related education and conflict management into the juvenile corrections setting. The program, currently in use at the State Training School, built on successful law-related education programs for youth conducted in schools and courts around the country. The Iowa model was funded by the State Criminal Justice Planning Agency, working with the Iowa Center for Law-Related Education at Drake Law School and the National Institute for Citizen Education in the Law (NICEL) in Washington, D.C.

In 1981 a national study, supported by the Office of Juvenile Justice and Delinquency Prevention, indicated that law-related education, when properly

implemented, can result in students having a better self-image, less of a tendency to be violent, and fewer feelings of isolation from teachers and other

Law-related education, when properly implemented, can result in students having a better self-image, less of a tendency to be violent, and fewer feelings of isolation from teachers and other students.

students. The study indicated that law-related education also made students more interested in their own education.

Proper implementation of law-related curriculum includes active participation and interaction by students, sufficient amounts of high quality instruction,

careful selection of balanced material, use of well-briefed outside resource persons, involvement of school administrators, and peer support for teachers.

The national study also showed that law-related education had a positive effect on factors associated with delinquent behavior. This school-based research, coupled with successful results from law-related education in other juvenile justice settings, shows the potential of law-related education in juvenile corrections.

The Iowa Model

The Iowa model addresses both academic and broader institutional concerns through the following goals:

- To motivate students to learn by involving them actively in the learning process.
- To teach students law-related education that is immediately useable in their daily lives.

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LAW-RELATED EDUCATION

Continued from page 17

- To assist with reintegration by developing skills that make the students a resource on their return to the community.

The program is founded on the belief that education is happening everywhere in the juvenile institution. Students are learning not only in school classrooms but also in the cottages, clinics, and recreational programs. Educators sometimes refer to this concept as "invisible curriculum." These informal lessons are taught in the course of a day at the institution. The discipline process within the institution is an example of invisible curriculum. Students can learn about fairness through the discipline process. Unfair or arbitrary enforcement can teach students about an uncaring institution and can reinforce their feelings of anger and isolation. The fact that students are constantly learning means the institution must make a conscious effort to define learning in its broadest sense and to design all programs with the invisible curriculum in mind.

The State Training School's approach to implementing institution-wide law-related education laid the foundation for the success of the program. In 1983, the administration established a law-related education committee composed of a cross-section of the institution's staff. Committee members were the first to learn about law-related education. Technical assistance in the form of materials, presentations, and program design ideas came from the Iowa Center for Law-Related Education and NICEL. The committee developed and coordinated a plan for incorporating law-related education throughout the institution. In addition to curriculum development, NICEL designed and implemented training for institution staff. Nearly all staff members received 12 hours of training in law-related education.

The law-related education committee developed a plan that included assessing overall needs, identifying possible approaches within institutional departments, surveying law-related education curriculum and materials for use in the institution, selecting materials, designing an implementation plan, providing

staff training, providing follow-up assistance, and evaluating and modifying the plan.

The Iowa program introduced law-related education into three areas within the institution. Students who attend regular high school classes take mini-courses in consumer, family, and housing law. Students enrolled in vocational classes are exposed to law-related education that complements their classroom work in the areas of employment, consumer, housing, and family law. All students participate in the Governance curriculum in their living units.

The high school mini-courses are characterized by substantive legal information. They are delivered through

Early evaluation shows that students seem more willing to obey cottage rules that they have drafted.

activity-oriented strategies that focus on students and involve them in critical thinking and problem solving.

The vocational students take 14 hours of regular classroom work to complement their chosen vocational area. This curriculum develops life skills and involves students in law-related education strategies that will assist them in their transition from the institution to the community. One strategy gets vocational students involved in negotiating a contract. After learning the legal elements of a contract, small groups of students use real-life situations to develop contracts. They follow up by reviewing a National Football League players contract.

Discipline or Education?

The Governance curriculum used in the residential cottages fits neatly into the expanded definition of education being implemented throughout the institution. The modules are presented by the staff, including cottage directors, counselors, teachers, vocational instructors, and cottage parents. Discipline is viewed as part of the students' education, with the goal of developing self-governance through strategies that ultimately make the students more

Continued next page

Staff Benefits

The major goal of the staff at the State Training School in Iowa is to change student behavior. Students should return to their communities with a new understanding about themselves and the world in which they live. The starting point for this change is students taking control of their lives. The law-related education program helps students take responsibility for their behavior. Once this ownership is established, students can begin to see how their behavior helps to shape their world.

Central to the staff enthusiasm about the program is the effect the curriculum has on the students. The staff in the State Training School has seen a major shift in students' attitudes toward the rules of the institution. This increased student awareness of rules and their importance is apparent not only in the living units but also in the broader institutional community. Because students know and understand more about rules, they no longer feel the rules of the institution are stacked against them.

The staff has found the conflict management curriculum components to be very helpful in counseling students who cause disruptions in living units. It provides a common framework for analysis of the conflict. Students can use the information and vocabulary introduced in the governance curriculum to analyze the conflict. Students understand they are part of the problem and can control the problem. Staff members find the design of this curriculum provides the structure for taking a conflict and turning it into a learning experience.

The objectives of law-related education fit into the overall goals of the Training School. The training and materials offered a new approach and expanded staff's ability to meet individual student objectives. The experience has helped staff members do their jobs and improved the primary goal of rehabilitating juveniles in preparation for a successful return to their communities.

—Serge HUSTON

LAW-RELATED EDUCATION

Continued

responsible for their behavior.

The first phase of lessons explains the need for rules, emphasizing the importance of fairness and clarity. Students learn to write and analyze rules and are encouraged to apply the new information to real-life situations. In many cottages, student groups analyze and redraft cottage rules. Interestingly, early evaluation has shown that students seem more willing to obey cottage rules that they have drafted.

The initial sessions focus on the cottage and the state training school as rule-governed institutions. Students learn the constitutional criteria for determining fairness. They learn to balance their individual rights against the rights of others. Gradually, as students begin to understand common group interests and goals, the lessons extend from the institution to their schools and communities.

The second phase of the lessons concentrates on conflict resolution, with the focus on conflict management rather than avoidance. The students are asked

what makes them angry—one of the few times at the institution when students discuss the things that make them angry when they were not actually angry. As a result, they are able to consider broader issues connected with their fury and to see common things that make everyone angry. Conflict management builds the personal skills of students and increases their ability to negotiate their world with success.

The experiential nature of the curriculum captures student interest, and students become more articulate and better able to internalize controls. As they learn to generate options in the face of conflict, they also learn to control anger and reduce impulsive behavior. During these lessons, students are involved in analyzing many varied

Young people who have trouble resolving conflicts with the person sitting next to them in the classroom cannot be expected to function in an unsupervised world.

conflict situations. They are encouraged by staff to resolve problems through conflict resolution. Conflict management improves student listening skills and enables them to reflect on their behavior and that of others. Cooperation toward active problem solving in response to conflict is the result of the curriculum.

The final component, as yet not fully implemented in Iowa, is the integration of youths into their communities. The program's ultimate goal is to link returning youths, who are trained conflict managers, to community projects. Young people who have trouble resolving conflicts with the person sitting next to them in a supervised classroom cannot be expected to function in an unsupervised world.

Recent juvenile justice studies show that linking the delinquent teen back to the community in a positive way will help to make the transition successful. Institutionalized teenagers at the State Training School in Iowa are learning skills that will make them valuable community assets on their return.



S.C. YOUTH GROUP HOMES WELCOME LRE

NICEL's first venture into providing law-related education to youths in group homes has been welcomed in South Carolina, whose Department of Youth Services received a grant from the state's Bar Foundation to implement the program. Walter Waddell, DYS program coordinator, reports that 10 group homes will begin LRE classes in the early spring, with others entering the program in the fall.

The group home staffers who attended NICEL's January kickoff workshops in Charleston, Columbia, and Greenville were anxious to implement the program. In fact, said one, "the lessons were so motivating that I am ready to run back to our clients and work with them on these [law-related] subjects."

Each S.C. group home is an alternative residence for 8-10 teenagers who were convicted of minor offenses and removed from homes lacking adequate supervision. While living in the group home, they attend school and receive support services such as individual counseling, tutoring, and job skills training as needed. Their LRE education will be based in the group home.

The NICEL program, which is supported by the U.S. Office of Juvenile Justice and Delinquency Prevention, will expose the youths to basic legal concepts and positive aspects of law and society. This is designed to help them develop attitudes and skills which will prevent further contact with the juvenile justice system and prepare for a successful transition from the group home to independent living in the community.

NICEL Deputy Director Mary Curd-Larkin and Program Director Bebs Chorak conducted the January workshops, which featured NICEL's newly developed "Group Home/LRE Manual." Activities and lessons focused on housing, consumer, and family law issues with a practical application for the youths. As the staff became involved in the workshops, they identified lessons on subjects they believed would be especially beneficial to the young residents, such as traffic regulations, consumer contracts, and marriage licenses.

The S.C. program is designed to offer LRE awareness to group home staff and support persons, train youth services staff as LRE trainers, and implement classes in group homes across the state. NICEL will train DYS prevention staff in the use of its "Group Home/LRE Manual." The prevention staff will then be able to train class instructors. This model will give DYS the capacity to replicate the program throughout the state.

If you would like to receive information on this program or other NICEL juvenile justice projects, contact Mary Curd-Larkin, Judy Zimmer, or Bebs Chorak at NICEL's Washington office.

The Washington Post

June 10, 1986

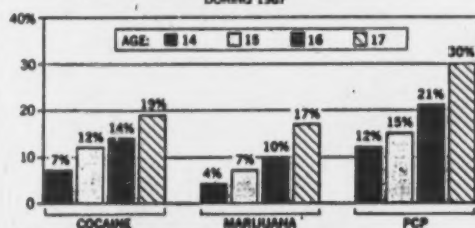
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Drugs Gripping Youths at Age 13, Report Finds

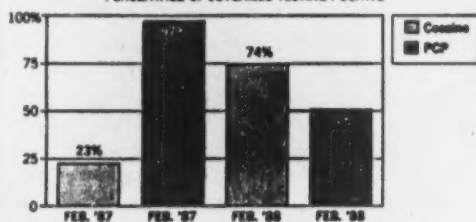
D.C. DRUG TESTING OF ARRESTED JUVENILES

PERCENTAGE TESTING POSITIVE FOR DRUG USE
DURING 1987



NOTE: Based on 5,990 initial test results

TREND IN USE OF CRACK COCAINE, PCP PERCENTAGE OF JUVENILES TESTING POSITIVE



SOURCE: D.C. Pretrial Services Agency

By Victoria Churchville
Washington Post Staff Writer

A new report documents for the first time drug use trends among juveniles arrested in the District, showing that no children ages 8 to 10 tested positive for drugs, but that youths 13 and older are increasingly using drugs, especially crack cocaine.

The report, prepared by the D.C. Pretrial Services Agency, confirms the progression of drug abuse among children who begin drug experimentation early, noting a dramatic increase between the ages of 13 and 14 that continues through young adulthood.

For example, the rate of juveniles arrested who tested positive nearly doubles from 9 percent at age 13 to 17 percent at age 14. According to comparisons of age groups' usage in the report, the rate of 11- to 13-year-olds using cocaine or crack tripled by the age of 17, from 12 to 36 percent. Among those aged 18 to 21, 56 percent used crack or cocaine.

"We're going to have a whole generation of young kids who have fried their brains by the time they're 15. And from other reports, it isn't just Washington, D.C.—it's just as frightening everywhere else," said Kathryn R. Boyer, director of administrative services for the Pretrial Services Agency and author of the report.

The D.C. Pretrial Services Agency has tested and monitored adults since 1984, and is widely regarded as pioneering the most comprehensive drug screening program of arrested persons in the country. It is charting new ground nationally in drug testing of juvenile offenders, a program begun in October 1986.

The agency's first published report, "1987 Juvenile Drug Use," is available for \$3. See JUVENILES, C1, Col. 3

THE WASHINGTON POST

Study Finds No Drug Use Among Children Aged 8 to 10

JUVENILES, From C1

venile Drug Use Trends and Findings," is supplemented by monthly reports this year that indicate the same trends generally are continuing.

Judges and court officials use the agency data to determine appropriate release conditions and to offer treatment and counseling services for juveniles before they go to trial. The data also can serve as a tool for planning, budgeting and forecasting strategies for dealing with the growing problems of drug abuse in the District, according to court officials.

"I'm sure people in the community, probation officers and educators have a feel for what's happening with kids, but until now they didn't have the hard data that could confirm what was happening," Boyer said.

Last year, the agency did drug testing on 4,182 juveniles charged as delinquents before their first appearance in court. Of those, 1,453 tested positive for one or more of four drug classes: cocaine, marijuana, opiates and PCP, according to the report. Drug testing technology does not differentiate between crack and its parent drug, cocaine.

Among the report's highlights:

- While the rate of those arrested testing positive for drugs stayed around 35 percent, the number of arrested persons tested has increased significantly. For example, in March 1987, 212 juveniles were tested. Last March, 359 were tested.

- None of the 8-, 9- or 10-year-olds arrested tested positive for drugs, a trend that the report calls "good news." But there is a pronounced increase in drug use from the age of

14 up. For example, the overall positive rate for youths ages 17 and 18 was 45 percent, 10 percent higher than the 1987 average. Among 18-year-olds alone, drug use has increased to 51 percent.

- Fewer girls—293—than boys—3,561—were arrested in 1987, but a higher rate of girls tested positive for drugs. For example, the record for girls testing positive was set in September, when 57 percent tested positive. The highest percentage of boys testing positive was 43 percent last June.

- PCP was used by juveniles in the study more than other drugs during the first six months of 1987, peaking at 34 percent last year. By March of this year, PCP use had fallen to 18 percent. PCP registered a downward trend during the last six months, but was replaced by crack cocaine as the drug of choice among youths.

The first significant cocaine use increase was detected last August, when 21 percent of juveniles who tested positive showed traces of cocaine, up from a previous high of 14 percent. By December, cocaine use was tied with PCP at 21 percent.

- The crack explosion that began last summer continued through April, the latest month for which figures are available. Then cocaine use increased to a record high of 24 percent, while marijuana and PCP use dropped to record lows.

"The facts presented in this report do not depict the toll drugs take on the lives and families of these juveniles," the report concluded. "Last year, five of the young people we tested were shot to death in drug-related murders."

Number of Children In Court Doubles Drug Cases Bog System Down

By Victoria Chastell
Washington Post Staff Writer

The number of children aged 11 to 14 brought into D.C. Superior Court on serious drug charges more than doubled from 1946 to 1947, underscoring the increasing involvement of the very young in the city's drug trade, according to recently released court statistics.

Of the 5,127 children between the ages of 9 and 17 who entered the criminal court system last year, 2,423 youngsters were charged with possession or sale of narcotics, the 1947 Annual Report of the District of Columbia Courts said.

The increase in these cases is most pronounced among younger children who previously were not involved in drug activity as frequently as older teenagers. Last year, 207 youngsters from the ages of 11 to 14 were referred to family court on drug-related charges compared with 97 children in that age range in 1946. The largest increase—126 percent—was in court cases against 14-year-olds, which rose from 63 in 1946 to 163 last year, according to the report.

"It's troubling and alarming that their entrance to the juvenile system," Bruce S. McArthur, presiding judge of the Family Division of Superior Court, said yesterday.

"The crash of these numbers is taking every opinion that judges used in carrying out the function of doing

See JUVENILES, B3, Col. 5

Children Bog Courts Down

JUVENILES From D1

what's best for the child and the community," McArthur said. "Where we're being hampered is in the area of resources: group homes, youth shelter homes, residential treatment facilities."

The upward trend in confining children to the courts has continued this year. In the first three months of this year, 1,716 juveniles were arrested, 449 of them for drug sales or possession.

"I've got a very solid pattern here," said Capt. William White III, a police spokesman, noting that the highest period for juvenile arrests is summer when school is out. "All the same facts, that should not be a record this year."

Police, court officials, social workers, prosecutors and defense lawyers say the increase comes at a time when the District's detention facilities for juveniles are jammed beyond their limits.

Last month a court-appointed mediator reported that crowding at the District's juvenile detention facilities had reached an all-time high, averaging 88 to 90 percent above capacity. In addition, two facilities that normally house the facilities juvenile officials and defense attorneys.

One jail, the maximum security facility, is supposed to house 140 prisoners and the minimum security jail 100. Another, formerly known as Cedar Road, 145.

Last month, for example, more than 80 children at Oak Hill were unable to sleep one week because

of a shortage of beds, according to sources close to the detention center.

Between 1977 and 1983, arrests of juvenile citywide on drug-related charges, most of them for possession, hovered between 300 and 400 a year, according to police. In 1984 and 1985, about 600 juveniles a year were arrested on drug-related charges and in 1986 about 1,100 were arrested, according to police statistics.

These statistics reflect only arrests, which may or may not be prosecuted in the Superior Court.

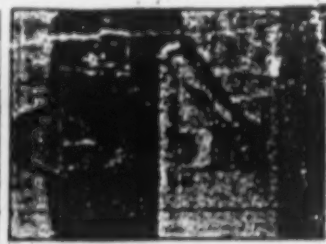
The number of youngsters brought to court on drug charges last year increased by one-third over 1986, the previous record-breaking year, when 20 percent of the 4,000 children under 18—or 1,637—faced federal drug charges.

The overwhelming number of cases—97 percent—involved drugs other than marijuana, the drug of choice among young people's generation ago.

Last year marks the fifth consecutive year during which numbers of juvenile cases rose overall, from 4,129 in 1983 to 5,127 last year, according to the court report. The number of cases involving crimes against property, children who need court supervision or those wanted as runaways have remained relatively stable, the report said.

Juvenile crime involving "acts against persons," such as robbery and assault, decreased from 1,302 in 1983 to 830 last year, according

JUVENILES IN D.C. SUPERIOR COURT ON SERIOUS DRUG CHARGES



AGE	1944	1987
Under 9	6	7
9	6	1
10	6	1
11	3	6
12	7	11
13	24	49
14	82	143
15	179	284
16	298	439
17 and over	887	1,682
TOTAL	1,453	2,423

SOURCE: District of Columbia Courts

In the report, reflecting the fact that the nature of the drug market.

"All of us are frustrated," said a court official who would not be identified. "This drug thing is over-

whelming the system and these drugs are doing such terrible damage to our kids."

Staff writer Joel Garreau contributed to this report.

ASCD Curriculum Update

February 1987

 Association for Supervision and Curriculum Development
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Knowing What to Do—and Not to Do—Reinvigorates Drug Education

By Bonnie Benard, Barbara Fajoglia, and Jan Perone

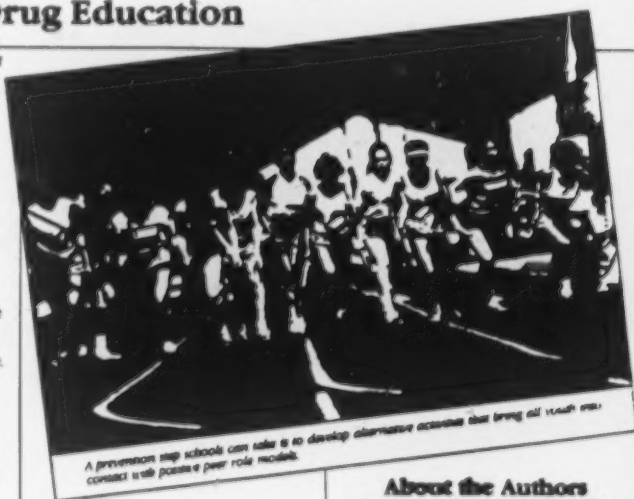
The hopeful future of drug and alcohol prevention contrasts sharply with former unrequited drug education programs and the dispiriting accounts of youthful drug use portrayed in the popular press.

Recent analyses have pinpointed why past school-based drug and alcohol education has proven ineffectual and recommended a reconceptualized approach. Research is also beginning to document positive outcomes for a relatively recent prevention model. On the basis of these two trends alone, educators have just cause to feel excited about what schools can do to prevent substance abuse.

It is fair to say that educators have had more experience than success with substance prevention programs. Alcohol education meant to curtail adolescent drinking has been mandated by law in most states over the past 80 years.¹ When the drug culture youth of the 1960s rolled in, turned on, and dropped out, schools stepped up their involvement in drug education.

The strategy in the late 1960s and early '70s was usually an information-only approach. Several researchers found that these programs—which often used scare tactics in hour-long, hit-and-run lectures—actually increased alcohol and drug use.

As a result, the pendulum swung in the mid-1970s from the drug to the person who might take the drug. Programs focused on affective strategies like self-esteem enhancement, values clarification, and such life skills as coping, communication, problem solving, and decision making. Alcohol and drug



information was often entirely omitted. Research studies soon began to indicate that these affective approaches also failed to lower substance abuse rates.

Consequently, in the late '70s, more sophisticated curriculums included both cognitive and affective components. The promise of this third generation of prevention programs may have been obscured by a faltering start. Longitudinal data have not yet been compiled, but preliminary evaluations have not shown significantly lower levels of substance use. Because of these discouraging outcomes,

About the Authors

Bonnie Benard is a Research Specialist at the Prevention Research Center (PRC), an Illinois State Department of Education project that collects resource material and provides writing, information, and technical assistance services to substance abuse prevention. Benard's PRC colleagues and coauthors are Communications Specialist Barbara Fajoglia and Coordinator of Information Services Jan Perone.

PRC has two offices. The Springfield address is 901 S. Second, Springfield, IL 62704; telephone 1-800-252-8951. In Chicago, the address is 417 S. Dearborn, Suite 200, Chicago, IL 60607; telephone 1-800-572-5589.

many people now question whether alcohol and drug education even has the potential to change behavior.

Recent critical analyses of programs, however, have revealed flaws that can be corrected. Furthermore, a new social psychological model, guiding what might be thought of as a second cohort in the third generation of prevention programs, at last appears to be producing good results.

What can we realistically expect of school-based substance abuse prevention programs? To answer this, *Curriculum Update* looks first at the problems with past programs, next at the reasons for schools to keep pursuing effective prevention strategies, then at two sets of specific and feasible activities schools can carry out, and finally at reasonable expectations for these efforts.

What's Wrong with School-Based Prevention

In recent drug education literature (by Thompson and others, Kellam and others, Barnes, Welles, and Goodstadt), a general consensus shows that five overlapping defects have diminished the effectiveness of school-based substance abuse prevention.

Designers have set unrealistic goals for programs and have not challenged unrealistic expectations from society.

Programs have established indicators of success that are so ambitious that the probability of achieving them is minute. Thompson and her colleagues elaborate:

Prevention is unrealistic as a purpose of alcohol education if it is meant to imply eradication. Prevention of all alcohol problems and all risk for them could be accomplished only through complete elimination of alcohol from society.¹

Not only do drug educators ask too much of themselves, society has put a disproportionate faith in the impact of schools working alone. Thompson declared flatly:

Alcohol education is attributed a larger role than it can logically carry. Choices people make are influenced by a myriad of factors over which the school system has limited or no control—family, religion, emotional health, societal customs, media, laws, etc.²

Goodstadt and Barnes agreed, faulting the objectives of drug education for ignoring the strong influence of other socialization agents.³

School-based programs have operated without a sound theory base.

The unrealistic expectations for schools stem, in part, from failure to base



Research data from the smoking prevention programs support a three-pronged focus on all of the so-called gateway drugs: tobacco, alcohol, and marijuana.

programs on a theoretical perspective that is firmly grounded in the behavioral and social sciences. For example, socialization theory reasons that substance use among youth is "learned, social behavior that is part of the adolescent socialization process anticipatory of the transition from childhood to adult status."⁴

Prevention programs based on this theoretical perspective would recognize that drinking among adults in America is normative social behavior.⁵ Thus, schools' substance abuse prevention efforts should create more modest and realistic goals for schools and work more with other significant social systems—the family, peer group, and mass media.

Past programs have not been guided by prevention principles.

The discipline of prevention has evolved from a narrow conception that tries to stop or reduce the likelihood of an event (like substance abuse). The newer, broader base interprets prevention as a complex set of activities that develop people's personal and social competencies and that modify social systems so as to better meet people's needs.

This expanded view assumes (with support from a growing body of research) that enriched personal and social development helps to immunize people from developing inter- and intrapersonal problems, which then lead to negative social consequences, including substance abuse, child abuse, delinquency, and teen pregnancy.

Basic prevention strategies do not stop after providing accurate information. They go on to build life skills (such as problem solving, decision making, and

communication), promote healthy alternatives, influence social policies and cultural norms, and involve and train people who can have an impact on problems.

Previous prevention efforts have lacked intensity because they have been too limited in time and scope.

Ralph Welles points out how unrealistic it is to expect a few hours of classroom instruction to supersede a lifetime of learning about alcohol from peers, parents, and the larger community.⁶

While a recent evaluation of the popular CASPAR curriculum (third generation of programs, first cohort) found no evidence of an effect on drinking behavior, Lena DiCicco and colleagues noted that "where alcohol education was implemented most intensively and continuously at the junior high school level, misuse did not rise as sharply as it did among the comparison children."⁷ She concludes that "changing youthful drinking is tantamount to changing a culture." We hope that continuing intensive efforts over a long period will produce more rapid social change.¹⁰ Goodstadt's evaluation of drug education programs similarly recommended that "the intensity of drug education be significantly increased."

Social learning theory also points to the need to broaden the scope of prevention efforts. The principles of social learning stipulate that the more comprehensive the prevention—that is, the more social systems involved—the greater the likelihood of positive behavior acquisition and reinforcement. An ideal prevention program would not only employ all five prevention strategies but do so in a

February 1986

systems present that use school programs in with other social systems.

School-based prevention has stopped short of adequate implementation.

Usual evaluations included, this task line runs primarily over insufficient teacher training.

What's Possible with School-Based Prevention

Schools are assuming an increasingly central place in the lives of youth. As Kenneth G. Alk has observed, not only do youths spend most of their time there, but "school status and success determine life chances of students in many social and economic dimensions, in both the present and future."¹¹ In his opinion, "fundamental economic and social changes . . . recent decades have changed the meaning of youth, especially in terms of the emergent centrality of the school, making it the dominant social setting in the life of the adolescent."¹²

Whether school life should hold such sway is immaterial, because whether it should or shouldn't, the fact remains that it does. The pivotal role schools play, however, confers on this particular social institution important advantages for prevention programming. Washien itemizes them:

- access to youth on a large scale;
- equanimity, stability;
- opportunities for longitudinal interventions;
- experienced teachers already in place;
- opportunities for longitudinal exploration; research (a need repeatedly expressed by prevention researchers); and
- a sense of public legitimacy.¹³

Schools are thus uniquely poised to affect the irresponsible use of drugs and alcohol. We now know much more clearly what schools can do.

Schools can cooperate in a comprehensive prevention effort that involves families, community groups, and the media.

The most engaging efforts of schools cannot overcome a cultural context that not only reflects ambivalence about alcohol and drug use, but that actually promotes use, especially for young adults. Schools alone cannot reverse mass media and governmental policies, for example, that facilitate alcohol advertising on television. School programs cannot deny the direct subsidies with which government actively supports the production of tobacco, our most dangerous drug in terms of lost lives, diminished health, and costs to society.

Community prevention efforts must focus on formal changes in public policies

at local, state, and national levels. Policies that encourage the use of alcohol and drugs must be rescinded, and policies that provide opportunities for meaningful education and employment need to be created.

Prevention must also aim to effect informal social policy changes. Custom and cultural norms can be altered by public awareness campaigns that include a strong media component and extend beyond schools to families and community institutions.

The effectiveness of such an approach is evident in the positive outcomes of various community heart disease prevention programs¹⁴ and their derivative anti-smoking campaigns,¹⁵ which have shown significant reductions in the onset of negative health behaviors, the incidence of the behaviors, and the frequency of related morbidity and mortality. These programs were both comprehensive and intense; they all included a family involvement component, taught specific prevention skills and knowledge, employed multiple prevention strategies, and continued for three to seven years.

Schools can include substance abuse prevention as part of a comprehensive integrated K-12 health education program.

The reason substance abuse prevention within the general health education program is that substance abuse prevention is inordinately intertwined with other problem behaviors. School failure, dropping out, teen pregnancy, delinquency, and substance abuse are inclined to share a common etiology. According to Richard and Sharon Lewin,¹⁶ both males and females, the association among these health-compromising behaviors is "one of the clearest" that has emerged from the past decade of prevention research.¹⁷

Schools can focus specifically on knowledge, attitudes, and behaviors that influence use of alcohol and drugs.

While substance abuse prevention should proceed within the context of health education, a specific focus on alcohol and drugs is indicated. If we expect to deflect actual substance abuse behavior, programs must begin building specific knowledge, positive attitudes, and useful



SMOKING IS VERY GLAMOROUS

Community heart disease prevention programs (and their derivative anti-smoking campaigns) have shown significant reductions in the onset of negative health behaviors, the incidence of the behaviors, and the frequency of related morbidity and mortality.

"Past programs have often assumed a causal relationship between knowledge and changes in attitudes and behaviors. This presumption has not been borne out, either by research or casual observation."



Perhaps the most important information to convey is knowledge that enables young people to estimate their personal risk for developing substance abuse problems.

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skills about alcohol and drugs beginning by fourth grade.

Pervasive knowledge lies at the core of alcohol and drug prevention. It includes information about physiology; high-risk populations (especially genetic predisposition); high-risk situations (driving, pregnancy, stress, medication, and so on); actual prevalence; psychosocial correlates (like family influences, peer pressure, school failure, and stress); role of the media; and cultural norms. Perhaps the most important information to convey, though, is knowledge that enables young people to estimate their personal risk for developing substance abuse problems.

We have learned the hard way that reliable information is necessary but not sufficient to affect actual substance use. Past programs have often assumed a causal relationship between knowledge and changes in attitudes and behaviors. This presumption has not been borne out, either by research or casual observation. Almost everyone, for example, accepts the evidence that ties smoking to nearly every health hazard from irritation to sudden death, yet many people continue to smoke.

Thus, Merita Thompson and coauthors concluded:

To produce an *observable* societal or personal effect requires both attitude change and action change. If a change produced is to be meaningful and stable, alcohol education must address knowledge, attitudes, and behaviors as a *holistic* unit—not independently.

In the view of some analysts, past prevention efforts have erred in a second way: that affects attitudes. Programs have supported the notion that people drink only because of personal stress, emotional problems, or stress and have glossed over the reality that people often drink excessively in pursuit of pleasure or for social reasons. Thus alcohol education especially has failed to confront such common high-risk attitudes as "Drinking is a good way to have fun" and "Getting drunk for luck is part of growing up."

Part of Thompson's risk reduction model counters such expressions head-on with "Anyone could experience alcohol problems, and if I drink too much, I could 'go' and 'Whether or not I experience an alcohol problem is determined by if I hit



Programs in the late 1980s and early '90s often used scare tactics in their long, no and not lessons.

much, how often, and under what circumstances I choose to drink."

Schools can develop programs based on a promising new approach, the social psychological model.

With social psychological prevention programs that strengthen resistance to peer pressure, several research groups have produced a 50 to 75 percent reduction in the onset of smoking among adolescents. The same principles, researchers are finding, appear to work for delaying alcohol and marijuana use.

Johnson describes the common features of the social psychological tobacco prevention programs:

- a focus on short-term, primarily social consequences that are important to the target audience.

- audience sensitization to overt and covert pressures to smoke.

- attitudinal inoculation to those pressures.

- high levels of audience participation (including a Socratic approach to cognitive learning), and

- role playing and other classroom exercises to practice behavior.¹⁰

An interesting and potentially critical factor in these programs is the importance of peer leaders. So far, long-term results have been documented only in those programs that trained either older ideal peer leaders or same-age actual peer leaders to assist in program implementation.

When Johnson and his colleagues at the University of Southern California's Health Behavior Research Institute extended this peer pressure resistance model to alcohol and marijuana use, they found significant reductions in the use of all three substances. They explain why they think that happened.¹¹

1. Research has found the same psychosocial correlates for tobacco, alcohol, and marijuana use.¹²

2. Research has also shown that the use of one of these substances predicts the use of the other two.¹³

3. The social resistance skills effective in avoiding cigarette smoking are applicable to alcohol and marijuana use.¹⁴

The Institute's model is now being field-tested in all Los Angeles sixth and seventh grades. Those age groups were selected because Johnson's research found that exposure before sixth grade was rare, but use of all three substances escalated rapidly during sixth and seventh grades.

Gilbert Buvin's Life Skills Training Program, developed at Cornell University, is another promising application of the social psychological model. It attempts to counter not only social pressure but life problems as well. While Buvin agrees with Johnson that peer pressure is a strong



Thompson, Buvin, and Killam have found programs effective if the teachers trained students use social skills.

influence on use of substances, he contends that adolescent substance use/abuse is the result of the complex interplay of a diversity of factors. Drug use, he reasons, may not stem solely from peer pressure; it may serve a functional need such as a way of coping with social or academic anxiety. Still another variable, he wrote, is the person.

Differential susceptibility to social influence (via media, parents, peers) appears to be mediated by personality. With individuals who have low self-esteem, low autonomy, low self-confidence and an external locus of control being more likely to succumb to these influences.¹⁵

Because Buvin sees a more complex set of causes for substance abuse, his program is more comprehensive than Johnson's. Its specific tobacco, alcohol, and marijuana resistance skills training, the program adds development of general personal and social competence skills. He reports good results.

In all of the studies conducted to date, this type of prevention program has produced significant changes on selected cognitive, attitudinal, and personality variables in a direction consistent with nonsubstance use.¹⁶

Schools can develop students' life skills.

Many researchers have concluded that programs must not only attend to specific alcohol and drug situations, but must build life skills in general. Such skills include:

- Communication. Sometimes called social skills or social competence, communication skills refer to a broad sense to how effectively a person can cope with interpersonal relationships. Programs to develop this capacity typically cover

verbal and nonverbal communication, guidelines for avoiding misunderstandings with others, and heterosocial (between relationship) skills.

Martyn Pentz's review of 117 social skills training studies found that over 95 percent of them reported total effectiveness—especially when they were conducted in school or community settings with normal (nontreatment) student populations.

- General assertiveness. In the last decade, assertiveness training has been recognized in many prevention and intervention programs as an essential communication skill for building self-efficacy. The short-term outcomes of evaluated programs have been positive long-term outcomes have been mixed. Buvin's successful Life Skills Training Program combines general assertiveness training with a specific focus on tobacco, alcohol, and drug assertiveness skills.

- Resistance skills. Teaching specific tobacco assertiveness (for example, just say "No") has been a critical component in the successful social psychological smoking prevention model that is now being applied to alcohol and drugs. Such strategies are based on social inoculation theory, which assumes a person's resistance to social pressure is greater if the person has been inoculated by developing arguments in advance. Activities usually include forewarning, attitudinal inoculation, cognitive rehearsal (role playing), and a public commitment (behavioral contract to refrain from alcohol or drug use).

Two cautionary points ought to be raised about teaching resistance skills. Such training usually urges a "No-Never" response, which, as O'Brien points out, does not prepare students for maturity. Students will reach the age of 21 after all and by then other refusal responses like "No more" or "No, not today" may be more appropriate.¹⁷

Often overlooked also is the possibility that many children may not want to refuse and why they don't is still a mystery. According to Buvin:

While high correlations have been found consistently between individuals' substance use and that of their friends, it is unclear if what seems to be associations are the result of peer pressure rather than a process of mutual self-selection.¹⁸

- Peer selection. Because of Buvin's rationale, some recent research has identified peer selection as a skill that may be even more valuable than refusal (resistance) skills.

- Problem solving and decision making. A substantial body of longitudinal research implies that explicit early instruction in social problem solving affects subsequent

problem behaviors. Kellam's Woodlawn study, for instance, found that antisocial first graders were significantly more likely to be involved in substance abuse and delinquency ten years later. Rutter's research on five-year-old girls institutionalized because of severe abuse or neglect found that the ones who were able to plan and solve problems overcame their early trauma and were leading productive lives 14 years later. One commentator identified problem-solving planning skills as the critical component of the successful Perry Preschool Project curriculum. Similarly, George Sprack and Myrna Shure's research on Interpersonal Cognitive Problem Solving (ICPS) documented significantly fewer behavioral and academic problems among children in kindergarten through second grade if they had experienced ICPS as preschoolers.

The hypothesized process is that problem-solving skills contribute to the development of an internal locus of control. That in turn builds a sense of self-efficacy and self-esteem, which ultimately strengthens resistance to substance abuse, among other problem behaviors.

• **Critical thinking.** Critical thinking, defined as problem solving applied to specific subject matter, forms a bridge over the chasm that divides the affective and cognitive domains of learning. A goal of critical thinking development justifies the school in going beyond the confines of a back-to-basics-only approach.

• **Making low-risk choices.** Two life-style risk reduction programs developed by the Kentucky Prevention Research Institute received positive preliminary evaluations: Talking to Your Kids about Alcohol and Talking to Your Students about Alcohol. Delineate five skills that are necessary to make a low-risk choice about alcohol. An individual should:

1. understand that the primary determinant of alcohol problems is Alcohol Quantity-Frequency (A/Q/F);
2. have skills needed to estimate one's personal risk of developing alcohol-related problems and to identify specific low-risk choices;
3. have skills to identify and evaluate one's own attitudes, values, and expectations that support low-risk choices;
4. have skills to identify and evaluate the beliefs, values, and customs of family, associates, and culture that support both low- or high-risk choices; and
5. have skills needed to adopt and maintain low-risk choices.

• **Self-improvement.** Part of Bonvin's Life Skills Training Program is experience in designing and implementing a self-improvement project. Students identify a skill or behavior that they would like to change. They set long-term goals (eight

"... explicit early instruction in social problem solving averts subsequent problem behaviors."

weeks away) and short-term objectives (one per week) to meet that goal. This process is thought to foster self-efficacy and an internal locus of control.

• **Stress reduction skills.** A growing body of research has found stress to be a significant contributor to adolescent substance abuse,¹⁰ and the problem seems to be intensifying. Director Lloyd Johnson found in the National Institute of Drug Abuse's annual high school survey that the number of high school seniors who reported drinking "to get away from my problems" rose by half between 1979 and 1984, leaping from 12 to 18 percent. Those who said they drank to "deal with anger and frustration" rose from 11 to 16 percent, Johnson warned. The kids in danger of getting into a chronic state of alcoholism are the ones using alcohol to help them cope in their day-to-day lives.¹¹

• **Consumer awareness.** Being able to analyze and evaluate media messages, especially advertising, is increasingly regarded as an important element of prevention programming. Youth need to know the techniques of attitude manipulation if they are to resist the powerful bombardment of pro-use messages.

Building life skills makes strong demands for good instruction. Numerous experiential activities (such as role playing and values identification, problem solving, and goal setting) should include both a general and a specific alcohol/drug focus. Dynamic activities and support materials should be directly relevant to issues and people of interest to youth. Instruction should accommodate different learning styles (visual, auditory, and kinesthetic) and relate to the ethnic composition of the school. One addition that is not common to ordinary instruction, though, is the necessity of parent involvement.

Specifics Schools Can Accomplish Now: Group I

One set of activities for schools concerns efforts that take place within school systems. A second set relates school

systems to other social systems in the free group.

School programs can combine prevention efforts directed at tobacco, alcohol, and marijuana.

The data from the smoking prevention programs support a three-pronged focus on all of the so-called gateway drugs: tobacco, alcohol, and marijuana. All three irritants are thought to precede the use of hard drugs, such as cocaine.¹² Though data have shown some spontaneous spill-over effects from smoking prevention to alcohol and marijuana use, it is doubtful that the benefits are strong enough to be sustained without further attention. A substance abuse curriculum should therefore focus on knowledge, attitudes, and skills specific to each of these substances.

School programs can create a hospitable climate for psychological health.

This principle fans out into several initiatives.

• **Promote students' self-esteem.** Andre Olton, among others, has stressed the importance of a humane school climate in the battle against substance abuse. He wrote, "Students may be more receptive to efforts at substance abuse prevention if these efforts originate in an organization which they believe respects, appreciates, and cares about them."¹³

A large segment of research has centered on identifying positive family and school environments. A review of both focuses favors environments that provide all children with opportunities to participate and expectations that they will shoulder some responsibilities. Michael Rutter's research on schools, for example, identified these two variables as crucial in preventing school failure and delinquency. School effectiveness research and studies on the Pygmalion effect (the self-fulfilling prophecy) also support these dual goals.

Another crucial component in nurturing self-esteem is the attitude of teachers toward students. While some researchers (Johnson) have found only prevention programs that use peer leaders to be effective, others (Thompson, Bonvin, and Kellam) have found programs effective if the teachers viewed students as worthwhile. If lack of self-esteem is a strong correlate of substance abuse—and many researchers have found that it is—school activities need to seize every opportunity to build and reinforce students' sense of self-worth. Failure to do this, according to Yale child psychiatrist James Comer, results in the following sequence:

When a school staff (especially in the elementary grades) fails to permit positive attachment and identification, attachment and identification take place in a negative

the school becomes the target of a child's angry feelings with resultant rebellion, ambivalence, and apathy. The school is then unable to interrupt or influence the development or compensate for underdevelopment. The performance of such children falls farther behind their potential as they progress through school, and the skills needed for future school success are not gained.¹¹

• **Promote academic success.** Academic success is an integral component of self-esteem. Sheppard Kellam conducted the first major long-term study of first-grade behavior and development and later psychological and social-adaptational adjustment in the teenage years. He found that first-graders who failed to learn, who rebelled against the rules and authority of the school, and who were socially isolated in the classroom were, ten years later, the youth involved in substance abuse, delinquency, dropping out, and other problem behaviors.

In *Prevention Research on Early Risk Factors*, a paper prepared for an international conference on environment, mental health, and early brain development, Kellam explained what is and is not clear about the relationship of learning problems and substance abuse:

First grade problems in learning are a strong and specific predictor of teenage depressive and other (psychiatric) symptoms among males and to a lesser extent among females.

First grade aggressiveness without shyness in males (not females) is a strong predictor of increased teenage delinquency and drug, alcohol, and cigarette use. . . . A combination of shyness and aggressiveness in first-grade males (not females) was associated with higher levels of delinquency and substance use than aggressiveness alone.¹²

Hence, early learning problems predispose children to later psychiatric distress, while aggression, particularly with shyness, is linked to later substance abuse. What is still not clear, Kellam continued, is whether shy and/or aggressive behavior stems from the experience of failure or is a predisposition of the child, regardless of academic success or failure.¹³

In cooperation with 19 Baltimore City schools, Kellam and his associates are now in the second year of a ten-year longitudinal study of this relationship. The project is tracking the effects of improving mastery of core skills, especially reading, and reducing shy and aggressive behavior. The effort trains teachers to provide, first, a mastery learning program in reading, writing, and arithmetic; it emphasizes group and individual instruction, defines clear goals for students, and gives them the time and assistance to reach those goals. A second part of the project integrates

classroom management strategies that reward social participation and obedience to classroom rules.

Until we understand how learning problems contribute to the early shy and aggressive behavior that predicts later drug abuse, it makes sense to hypothesize a causative relationship and concentrate on ensuring early academic success. As Kellam reasons:

Every child has to feel some sense of integrity as a person and (they) either do that by learning to read and succeeding in the mainstream, or by getting a sense of who (they) are in another way—either through withdrawing, or through aggression and antisocial behavior, or through psychiatric distress and mental disorder.¹⁴

• **Provide the opportunity for critical thinking and problem solving.** A positive school and classroom climate that encourages discussion of social values, ethics, and moral dilemmas—and thus engages critical thinking—and problem solving—also facilitates prevention programming. Many educators caution that the current push for a basics-only

curriculum, which emphasizes rote and solitary learning, discourages such discussion. As Francis Robert commented in *Parents*:

It is essential that children talk together about new learning, responding to their own words, not simply listening to teacher abstractions and then being assigned workbook pages with short blank spaces to fill in. . . . The teachers must capture even opportunities to foster intellectual maven and to promote cognitive power by creating a pervasive climate of why and wherefore and wherewithal kind of thinking.¹⁵

• **Extend problem solving and planning into expanded preschool services.** Two years ago, the results of a 15-year early childhood intervention study added persuasive, dollars-and-cents reasons for parents to expand their services to three- and four-year-olds. The results from the Perry Preschool Project of the High-Scope Educational Research Foundation in Ypsilanti, Mich., provided solid evidence that early preventive interventions can significantly alter subsequent child development.

The Perry study shows that, by age 19, young people who had attended a preschool program at age 4 had fewer negative and more positive characteristics. They were significantly less likely to have learning problems, or histories of dropping out of school, delinquency, and teen pregnancy. They were more likely to be employed and had almost twice the post-high school education incidence as did the comparison group.

The children in the Perry Preschool Project all came from a low socioeconomic, black, urban environment; half of them lived in single-parent families. At either age three or four, they attended preschool for 1 1/2 hours each morning. The intent of the program was the development of cognition, language, information and experience, and social and behavioral skills necessary for school adjustment. Along with active learning, problem solving, and planning, the program emphasized a high degree of interaction among adults and children, among the children themselves, and among parents and teachers. A *Wall Street Journal* review described Perry Preschool business as usual:

The program involved no set curriculum and could be duplicated with \$100 per child materials. At the beginning of each day the children were asked to plan their work for the morning. Rather than telling the children what to do, the teachers would ask each child to make an estimate of what he she could accomplish that day and to take responsibility for carrying out whatever he she decided. Gradually, the children came to see themselves as planners—as people who had some power over their lives, not as passive victims.¹⁶



When teachers asked children to make an estimate of what they could accomplish that day and allowed them to take responsibility for carrying out whatever they decided, gradually the children came to see themselves as planners—not as passive victims.

These data have major implications for substance abuse prevention. The results of a 1986 HighScope curriculum comparison study included drug use as a variable. It found that children who had experienced one year of preschool at age 4 were half as involved in drug use and delinquency at age 15, if and only if the program encouraged the active involvement of students in planning their activities. The teacher-controlled preschool program had no such outcomes.

• **Train teachers thoroughly.** Special attention to teacher preparation is vital to correct the omissions that have substantially weakened previous prevention. As Peter Finn notes, "Because alcohol education deals with strongly held values and feelings, and because its ultimate goal is to fashion or change attitudes and behavior, instructors need special skills to be able to teach effectively in this field."¹⁴

• **Create positive alternatives.** Another prevention step schools can take is to develop alternative activities that bring all youth into contact with positive peer role models and caring adults from the community. Traditional school-sponsored activities like clubs, athletics, and student government most often serve academically and socially successful youth, thus reinforcing support and school involvement where it already exists in the greatest degree.

Nonparticipants, Polk wrote, neither have nor get. "Isolated from both successful peers and legitimate adults, marginal young persons have few choices to run to for social contact, support, and fun other than their marginal peers."¹⁵ The absence of social alternatives becomes especially serious when considered alongside research findings that identify substance use by close peers as the most powerful factor influencing youthful use of tobacco, alcohol, and marijuana.

Not only, as Johnson found, are peer leaders more effective at dissuading others from using alcohol, tobacco, and marijuana, but the needs for youth involvement and positive role models are served by positive peer programs. Such programs as peer counseling, peer and cross-age tutoring, and peer teaching of alcohol and drug information encourage sound self-esteem, mature problem solving, and effective decision-making skills in young leaders. Ardith Norem-Hebeisen and coauthors add that peer involvement also provides "participating youth with meaningful roles and real-world responsibilities at a time when youth are increasingly isolated from such roles and responsibilities in the prolonged adolescence characteristics of our culture."¹⁶

Polk: "... marginal young persons have few choices to run to for social contact, support, and fun other than their marginal peers."

We ought not undervalue the importance of such connectedness in countering alienation and the problem behaviors that grow in its valueless void. If we do, Saul Levine comments on the penalty:

Unless a social system—be it a family, group, school, neighborhood, or society—can instill in its youth some degree of purpose and community, a substantial proportion of the adolescents, particularly those with low self-esteem and increased vulnerability, inevitably will become society's problems.¹⁷

Specifies Schools Can Accomplish Now: Group II

School programs cannot succeed if they operate out of sync or at cross purposes with all other influences in the lives of youth. A second set of school activities, therefore, relates schools to other social systems:

Schools can establish clear, firm policies.

We are beginning to see indications of "significantly fewer infractions" in schools that have set policies prohibiting the use, possession, or sale of illegal substances; that have communicated those policies to students, parents, faculty, and staff; and that have equitably and consistently enforced those policies.

Schools can collaborate with students, teachers, media, community, and especially with parents.

The importance of collaboration in setting policy and in the planning, implementation, and activities of a comprehensive health education curriculum can hardly be overemphasized. The involvement of all key players not only breaks down the isolation of a lone, school-based program, it also creates a broad sense of ownership and commitment that makes reinforcement of

prevention messages more likely outside the classroom.

Parents should not only be involved in substance abuse policy and curriculum development, but should be encouraged to collaborate with teachers, take part in parent education and support programs, and volunteer as aides or resources. Comer believes the estrangement of parents from schools has been particularly serious for children in families under stress, but he also sees this bad situation as reversible. "Parent presence in responsible and respected roles in the school," he said, "sends a message to the children: The school people and program are important."¹⁸

Comer's Yale Child Study Center model for school improvement has focused on developing parental involvement as a strategy for reducing the negative impact of change, social stratification, conflict, and distrust between home and school.¹⁹ Similarly, the "school-team" approach advocated by the U.S. Department of Education's Alcohol and Drug Abuse Education Program includes parents, teachers, administrators, students, and school board members in substance abuse prevention programming.

Schools can collaborate with research and evaluation efforts.

For too long, substance abuse research has been the domain of health professionals, and prevention programs the territory of the schools. Effective future programming will require closer cooperation between these two systems.

We have discussed the positive outcomes that researchers like Johnson, Bonin, Weslart (of HighScope), and Kellam have achieved and the useful, *marginal* principles their efforts suggest to program planners. The crucial issue now is how best to replicate these programs in field settings with diverse populations. Appropriate programs will require the kind of active collaboration between researchers and schools we now see with Johnson's group in Los Angeles and Kellam's in Baltimore.

The challenge for researchers is to codify their findings in accessible forms, as one researcher warned. "If prevention research is to have a significant impact, researchers must soon face the challenge of packaging effective interventions in feasible forms that can be easily and correctly administered in diverse locales by people with different educational backgrounds and a variety of training experiences."²⁰ The challenge for schools is the need to make long-term commitments to collaboration and the discovery of what works principles.

Expecting the Possible

Despite past disappointments with isolated, fragmented programs that expected too much, the behavior changes that some social psychological programs have documented suggest that delayed onset and reduced incidence of substance use may actually be valid program goals.

Because of the many mediating variables in changing substance use behavior, however, several researchers urge restraint in developing program goals. Ends, they think, should be sufficiently concrete and specific as to be measurable and realistic and attainable enough to produce some immediate gains. Goodstadt elaborates:

A more balanced view of the potential impact of drug education would reduce expectations to fit the realities of competing forces and the importance of time and normal development. Programs would not be expected to produce immediate large shifts in behavior. At best they would result in statistically significant changes in indicators of future behavior, including measures of current attitudes, expectations, and behavioral tendencies.¹¹

Thompson and associates refer to Goodstadt's "more balanced view" as "lifestyle risk education."

In a democratic society of which alcohol is a part, the only realistic practical hope is that people will make choices about alcohol consumption that reduce their risk of alcohol-related problems. Alcohol education efforts should be focused on enabling people to adopt and maintain low-risk choices.¹²

Wesheit recommends acknowledgment of alternative views of success, too, reasoning that prevention programs have beneficial effects other than changes in student knowledge, attitudes, and skills. "A number of valid definitions of success exist, and a thorough evaluation cannot afford to focus on only one,"¹³ he emphasizes, citing the worth of process objectives like increased parent and community involvement in the schools and increased intensity of student-teacher interaction.

No Silver Bullet

What we now know about substance use and abuse gives us no "silver bullet" or "quick fix" to guide schools in prevention efforts. On the contrary, we can see that the job requires schools to make a commitment to long-term, comprehensive prevention efforts and to active collaboration with other involved systems.

The need for schools to make these twin commitments is apparent and increasingly compelling. In the past two years, numerous reports from the fields of

education, business, mental health, and social services have documented that, in Mark Testa's words, "the collective condition of all sectors of children and youth in our society has worsened."¹⁴

A basic problem reiterated in these reports is a rapidly increasing population of youth primed for educational failure, and as a consequence, set up for adult unemployment and social incompetence. In 1985 Henry Levin, for instance, counted 30 percent of school-age children in the U.S. as living in environments characterized by poverty, ethnicity, and parents who are often single, illiterate, and unemployed.¹⁵

Clearly, the number of children at risk for living and perpetuating a vicious cycle of deprivation and stress associated with social ills like child abuse, domestic violence, crime, and substance abuse has reached a crisis level and shows every indication of getting worse in the future.

As futurist statistician Harold Hodgkinson has frequently pointed out, the cost of these individual failures becomes a great collective burden on society because unemployable citizens drain resources without returning much in taxable income. At a November 1986 conference on the future of science, Hodgkinson recalled that 17 people used to support every Social Security recipient, but in the near future, only 3 will do so, and 1 of the 3 will be a minority. "We've got to be sure," he vowed drily, "that every minority student gets a good education and a *spendid* job."

Responsibility for improving the lot of children rests not only with the schools but with parents, students, individual schools and preschools, local communities, professional organizations, social service and mental health professionals, higher education institutions, commercial enterprises, policymakers at every level, and the media. Effective reform can only result from active collaboration among all these groups.

To link the institutions that develop children into productive adults, society needs something it does not now have: a structure for interdisciplinary long-range youth advocacy planning. The extent of need for such coordination is exceeded only by its degree of scarcity. We at the Prevention Resource Center, for example, are surprised to find ourselves a solitary model of state effort to provide prevention training, resource materials, and technical assistance.

The recent flurry of reports that call for attention to the development of youth evoke a sense of eleventh-hour crisis. "As with all social investments," Levin warned, "time is of the essence. [Prevention] requires a considerable gestation period before its payoffs are evident. We must

move with a great sense of urgency if we are to avert the costly consequences of our past inaction."¹⁶ The number of at-risk youth, Hodgkinson added, is "now so large that if they do not succeed, all of us will have diminished futures. That is the new reality."¹⁷

Endnotes

¹Ralph Wesheit, "The Social Context of Alcohol and Drug Education: Implications for Program Evaluations," *Journal of Alcohol and Drug Education* 29, 1 (1983): 72.

²Ken DeCicco et al., "Evaluation of the CASPAR Alcohol Education Curriculum," *Journal of Studies in Alcohol* 45, 2 (1984): 160-169.

³Merna Thompson et al., "Alcohol Education in Schools: Toward a Structural or Perceptual Approach?" *Research in Education* (1976): 79.

⁴Ibid.

⁵Grace Barnes, "Evaluation of Alcohol Education—Or Re-assessment Using Socialization Theory," *Journal of Drug Education* 14, 2 (1984): 144.

⁶Ibid., 137.

⁷Emory Cowen, "Primary Prevention: Murdermood," *Social Policy* 6, 6 (1977): 20-27.

⁸Wesheit (1983): 74.

⁹DeCicco, 168.

¹⁰Ibid.

¹¹Michael Goodstadt et al., "Relationships Between Drug Education and Drug Use: Cars and Horses," *Journal of Drug Issues* (Fall 1982): 439.

¹²Kenneth Poik, "The New Marginal Youth," *Crime and Delinquency* 30, 3 (July 1984): 404-465.

¹³Ibid., 462.

¹⁴Ralph Wesheit, "Alcohol and Drug Abuse Prevention: Implications for Delinquency Prevention," *Journal of Drug Issues* (Summer 1984): 473-474.

¹⁵Gilbert Botvin et al., "Prevention of Alcohol Misuse Through the Development of Personal and Social Competence: A Pilot Study," *Journal of Studies in Alcohol* 45, 6 (1984): 57.

¹⁶Thompson, 80.

¹⁷Ibid.

¹⁸Mervyn Pines, "Prevention of Adolescent Substance Abuse Through Social Skill Development," in NIDA Research Monograph #47, *Prevention of Adolescent Drug Abuse: Intervention Strategies*, ed. Thomas Glynn (Rockville, Md.: NIDA, 1983).

¹⁹Richard Jessor and Shirley Jessor, *Problem Behavior and Psychological Development: A Longitudinal Study of Youth* (New York: Academic Press, 1977).

²⁰Carol Miller et al., "Patterns and Correlates of Initial and Subsequent Drug Use Among Adolescents," *Journal of Consulting and Clinical Psychology* 52, 2 (1984): 231-245.

²¹C. Anderson Johnson et al., "Symposium Project SMART: A Social Psychological and Behavioral Based Experimental Approach to Drug Abuse Prevention. Overview" (paper presented at the annual meeting of the American Psychological Association, Anaheim, Calif., August 1983), 17.

²²Barnes, 121-122.

²³Ibid., 134.

¹⁰Perry O'Brien et al., "Prevention Research Institute: Towards the Next Generation of Prevention Programs: Finding What It Takes For Kids to Say No to Alcohol," paper presented at the National Alcoholism Forum, Detroit, 1984.

¹¹Pentz, 121.

¹²Thomas Wills, American Health Foundation, 520 East 43rd Street, New York, NY 10017.

¹³Johnson, 17.

¹⁴Dennis Kandel et al., "Antecedents of Adolescent Initiation into Stages of Drug Use: A Developmental Analysis," *Journal of Youth and Adolescence* 1, 1 (1978): 13-40. Also Barnes, 1984.

¹⁵Andre Olson, "The Effect of Locus of Control and Perceptions of School Environment on Outcome in Three School Drug Abuse Prevention Programs," *Journal of Drug Education* 15, 2 (1985): 199.

¹⁶James Comer, "Home-School Relationships as They Affect the Academic Success of Children," *Education and Urban Society* 16, 3 (Mar 1984): 327.

¹⁷Sheppard Kellian, "Prevention Research on Early Risk Behaviors," paper prepared for international meeting on early brain development, environment, and mental health, jointly organized by the World Health Organization, the All-Union Centre for Mental Health of the Academy of Medical Sciences of the USSR, and the Menninger Foundation, Moscow, 5-5 November, 1986, 3.

¹⁸Ibid., 5.

¹⁹Olson.

²⁰Frances Robert, "The Trouble with Back to Basics," *Parents*, March 1989, 96.

²¹Ann Crummond, "A Head-Start Pave Off in the End," *Wall Street Journal*, 29 November 1984.

²²Peter Finn et al., "Teacher Training in Alcohol Education: Goals, Approaches and Content," *Journal of Drug Education* 12, 3 (1982): 255.

²³Polk, 471.

²⁴Arvidh Norren-Helmseng et al., "Influences on Adolescent Problem Behavior: Causes, Connections and Contents," *Child and Youth Services* 6, 1-2 (1985): 45.

²⁵Saul Levine, *Drugs and Drug Abuse Education*, October 1983, 4.

²⁶Comer, 333.

²⁷Ibid.

²⁸Joel Kilien, "Prevention of Adolescent Tobacco Smoking: The Social Pressure Resistance Training Approach," *Journal of Child Psychology and Psychiatry* 26, 1 (1985): 13.

²⁹Goodstock, 440.

³⁰Thompson, 80.

³¹Krishner (1983), 78.

³²Mark Tress et al., *The State of the Child (in Illinois)* (Chicago: University of Chicago, Chapin Hall Center for Children, 1989), 181.

³³Henry M. Levin, *The Educationality of Adolescence* (Working Paper #4 of the State Youth Initiatives Project, Philadelphia Public Private Ventures, July 1989), 23.

³⁴Ibid.

³⁵Harold Hodgkinson, *All One System and Demographics of Education, Kindergarten Through Graduate School* (Washington, D.C.: Institute for Educational Leadership, 1989), 18.

Resources

Programs

PROJECT CHARLIE

Grade Levels: elementary

Pecan: self-esteem, peer pressure, problem-solving methods, drug information

Available From: Project Charlie, 1701

Normandale Road, Edina, MN 55124

Costs: Available only with training

DUSO (Developing Understanding of Self and Others)

Grade Levels: K-2, 3-4 (two volumes)

Pecan: understanding social and emotional behavior, self-esteem, interpersonal relationships, goal classification

Available From: AGS, Publisher's Bldg., P.O.

Box 90, Curie Pines, MN 55014

Costs: K-2, \$220; 3-4, \$135

GROWING UP WELL

Grade Levels: elementary

Pecan: Positive health promotion through developing internal locus of control, peer resistance skills, self-esteem, decision making, children of alcoholics, communication skills

Available From: Debbie Pope, Youth Options

Project of Franklin and Williamson Counties, 352

E. Main, Suite 208, Marion, IL 62959

Costs: \$500 for K-8 includes all materials,

puppets and tests

LIFE SKILLS, INSTRUCTOR MANUAL

Grade Levels: 5th-8th grade

Pecan: developing attitudes and behaviors to solve problems, learning to control feelings and stress, fostering responsibility, self-confidence, making friends

Available From: Life Skills Training Association,

Inc., 1211 W. 22nd St., Suite 800, Oak Brook, IL

60521

Costs: \$60

LIFE SKILLS TRAINING: A SELF-IMPROVEMENT APPROACH TO SUBSTANCE ABUSE PREVENTION

Grade Levels: high school

Pecan: myths about smoking and alcohol, decision making, communication skills, social skills, assertiveness

Available From: Life Skills Training Program,

411 E. 69th St., Room 201, New York, NY 10021

Costs: \$51 (teacher's manual, including cassette)

\$3 (student guide)

DECISION-MAKING SKILLS FOR MIDDLE SCHOOL STUDENTS

Grade Levels: middle school

Pecan: decision making, curriculum design for decision making, teaching strategies

Available From: National Education Association Professional Library, P.O. Box 509, West Haven,

CT 06416

Costs: \$7.95

PICADA (Prevention and Intervention Center for Alcohol and Other Drug Abuse)

Grade Levels: 6th, 7th, 8th grades, 5 volumes

Pecan: decision making, problem solving, alcohol-drug information, assertiveness skills

Available From: Wisconsin Clearinghouse, P.O.

Box 1468, Desk PA, Madison, WI 53701

Costs: \$50 each

CHOOSING FOR YOURSELF: A COMPREHENSIVE DRUG EDUCATION PROGRAM

Grade Levels: K-12

Pecan: alternatives, drug information, self-

awareness, decision making

Available From: Apalachee Drug Education

Program, P.O. Box 1782, Tallahassee, FL 32302

Costs: K-3 (60), 4-6, \$60; 7-8, \$60; 9-12, \$60

SELF DISCOVERY, USING SKILLS TO MAKE TOUGH CHOICES, ALCOHOL AND OTHER DRUGS, TEACHER'S GUIDE

Grade Levels: high school

Pecan: alcohol and drug information, peer pressure resistance skills, decision making, stress management

Available From: Management Sciences for

Health, 165 Allendale Road, Boston, MA 02150

Costs: \$19.70 (complete set which includes two

other units)

PREVENTING ALCOHOL ABUSE: RESPONSIBLE DECISIONS

Grade Levels: high school

Pecan: effects of alcohol on the body, legal issues involved in drinking and driving, peer pressure resistance skills

Available From: PLJ Learning Systems, Inc.,

P.O. Box 2255, Princeton, NJ 08540

Costs: \$140 (includes film)

HERE'S LOOKING AT YOU: 2000: A TEACHER'S GUIDE FOR DRUG EDUCATION

Grade Levels: K-12

Pecan: refusal skills, parent involvement, social

skills, cross-age teaching

Available From: CHOP (Comprehensive Health

Education Foundation), 20031 Pacific Highway

South, Seattle, WA 98148-9947

Costs: \$70 (set, K-12, 2 vols.)

THE SECOND COOPERATIVE SPORTS & GAMES BOOK by Terry Orlick

Grade Levels: all

Pecan: noncompetitive games

Available From: Logos Book Store, 2423 North Clark, Chicago, IL 60614
 Code: 58.95

I'M SPECIAL

Grade Levels: 4th grade
 Focus: values, self-concept, decision making, problem solving, communication skills
 Available From: Charlotte Drug Education Center, 1416 E. Morehead St., Charlotte, NC 28204
 Code: 55.50

MIRACULOUS ME

Grade Levels: K-6th grade
 Focus: self-concept
 Available From: Comprehensive Health Education Foundation, 20814 Pacific Highway South, Seattle, WA 98198-1997
 Code: 58.50

NEW MODEL ME

Grade Levels: high school
 Focus: self-concept, values, decision making, affective education, problem solving
 Available From: Educational Research Council of America, Rockefeller Building, 614 W. Superior Avenue, Cleveland, OH 44113
 Code: 51.95

100 WAYS TO ENHANCE SELF-CONCEPT IN THE CLASSROOM by Jack Canfield and Harold C. Wells

Grade Levels: 4th-adult
 Focus: self-concept
 Available From: Prentice-Hall, Englewood Cliffs, NJ 07632
 Code: 51.95

TEEN INVOLVEMENT FOR DRUG ABUSE PREVENTION

Grade Levels: high school
 Focus: self-concept, affective education, decision making, drug information, communication skills, values, cross-age tutoring and teaching
 Available From: National Clearinghouse for Drug Abuse Information, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857
 Code: \$2.74 (student manual), \$1.60 (administrator's guide)

SAY IT STRAIGHT

Grade Levels: 5th-8th grades
 Focus: refusal skills within the context of general communication skill building
 Available From: Say It Straight Foundation, P.O. Box NTSL, 8608, Denton, TX 76205
 Code: not available without training

TALKING WITH YOUR KIDS ABOUT ALCOHOL

Grade Levels: middle school-high school
 Focus: parent education, alcohol information,

decision making, communication skills
 Available From: Kentucky Affiliate National Council on Alcoholism, P.O. Box 866, Lexington, KY 40507
 Code: not available without training

WELL & GOOD by William B. Hansen

Grade Levels: junior high
 Focus: peer pressure resistance skills, advertising pressure resistance skills, alcohol, tobacco and drug information, decision making
 Available From: Well & Good Health Promotion Consultants, 5526 Strohen Ave., North Hollywood, CA 91601
 Code: 54.5

INNERCHOICE: A DRUG, ALCOHOL ABUSE AND SMOKING PREVENTION PROGRAM

Grade Levels: junior high, senior high
 Focus: includes *Innerchange* curriculum, which is based on group interaction to foster cognitive and affective development
 Available From: Palomares and Associates, P.O. Box 1577, Spring Valley, CA 92077
 Code: 52.95

CHOICES: LEARNING TO SAY NO by Jim Bellanca, Todd Johnson

Grade Levels: middle school, high school
 Focus: peer resistance skills, decision making
 Available From: Illinois Renewal Institute, 500 S. Dover Ave., Arlington Heights, IL 60005
 Code: 52.95

SELF-ESTEEM: A CLASSROOM AFFAIR, VOLUME 2 by Michele and Craig Borba

Grade Levels: elementary
 Focus: self-esteem activities
 Available From: Harper & Row Publishers, Inc., Scranton, PA 18512
 Code: 58.95

TEACHING SOCIAL SKILLS TO CHILDREN

Grade Levels: elementary to senior high
 Focus: social skills activities for all children including handicapped
 Available From: Pergamon Press, Maxwell House, Fairview Park, Elmsford, NY 10523
 Code: 51.95

CIRCLES OF LEARNING: COOPERATION IN THE CLASSROOM by David Johnson, et al.

Grade Levels: all
 Focus: implementation of cooperative learning, teaching students cooperative skills
 Available From: ASCD, 125 N. West St., Alexandria, VA 22314-2798
 Code: 58.50

DEVELOPING MINDS: A RESOURCE BOOK FOR TEACHING THINKING

Grade Levels: K-12
 Focus: reacting behaviors, strategies, and programs for teaching thinking
 Available From: ASCD, 125 N. West St., Alexandria, VA 22314-2798
 Code: 519.95

TALKING WITH YOUR STUDENTS ABOUT ALCOHOL

Grade Levels: middle school, high school
 Focus: alcohol information, decision making, communication skills
 Available From: Kentucky Affiliate National Council on Alcoholism, P.O. Box 866, Lexington, KY 40507
 Code: not available without training

BABES (Beginning Alcohol and Addiction Basic Education Studies)

Grade Levels: 3-6
 Focus: alcoholism information, coping skills, decision making, self-image
 Available From: National Council on Alcoholism, Detroit, MI
 Code: \$2.20 (includes teacher's manual and puppets)

POSITIVE ACTION

Grade Levels: K-6
 Focus: involving community, teacher, student in drug abuse education through changing student behavior and coping skills development
 Available From: Positive Action, P.O. Box 2347, Twin Falls, ID 83301
 Code: \$1.225 (K-6 teacher's loss), \$2.25 (K-6 administrator's loss)

TRANSITION

Grade Levels: junior high
 Focus: social/emotional development
 Available From: AGS, Publisher's Building, Circle Pines, MN 55014
 Code: 52.07

TOWARD AFFECTIVE DEVELOPMENT

Grade Levels: 3-6 grades
 Focus: social/psychological development (feelings, interests, conflicts, aspirations)
 Available From: AGS, Publisher's Building, Circle Pines, MN 55014
 Code: 51.97

PROJECT SMART

Grade Levels: 6-9
 Focus: self-management and resistance skills
 Available From: Dr. Bill Hanson, Institute for Health Promotion and Disease Prevention Research, USC, 35 N. Light Ave., Pasadena, CA 91101
 Code: not available without training

FEELING GOOD ABOUT ME**Grade Levels:** elementary**Focus:** self-concept, feelings**Available From:** Educational Media Corporation, P.O. Box 21311, Minneapolis, MN 55421**Cost:** \$5.95**SUBSTANCE ABUSE PREVENTION ACTIVITIES FOR ELEMENTARY CHILDREN** by Timothy & Patricia Gern**Grade Levels:** elementary**Focus:** alcohol information, stress reduction, self-esteem, choice making, problem solving**Available From:** Prentice Hall, Inc., Route 99 at Brookhill Drive, West Nyack, NY 10994**Cost:** \$18.50**TELESIS INTRODUCTION TO PEER COUNSELING-A SOCIAL SKILLS CURRICULUM****Grade Levels:** high school**Focus:** peer counseling, values clarification, group dynamics, decision making, communication skills, pharmacology**Available From:** Telesis II of California, Inc., 3180 University Ave., Suite 650, San Diego, CA 92104**Cost:** \$5.95**THE COMPLETE HANDBOOK OF PEER COUNSELING** by Don and Mimi Samuels**Grade Levels:** high school**Focus:** peer counseling program organization, implementation, evaluation**Available From:** Fiesta Publishing Corp., Education Books Division, 1515 N.W. 7th St., Miami, FL 33125**Cost:** \$5.95**THE ALPHA INITIATIVE (ADOLESCENTS LEARNING POSITIVE HEALTH ALTERNATIVES)****Grade Levels:** high school**Focus:** peer teaching, decision making, drug information, FAS, DLI, assertiveness training, role playing**Available From:** Debbie Pope, Youth Options Project of Franklin and Williamson Counties, 202 E. Main, Suite 208, Marion, IL 62959**Cost:** \$100**PICADA 3T****Grade Levels:** high school**Focus:** peer teaching, self-esteem enhancement, decision making, assertiveness and peer refusal skills, life coping skills**Available From:** Wisconsin Clearinghouse, P.O. Box 1468, Desk PA, Madison, WI 53701**Cost:** \$75**SILVER BULLETS** by Karl Rohnke**Grade Levels:** all**Focus:** activities to develop trust, initiative**Available From:** Animal Town Game Co., P.O. Box 2001, Santa Barbara, CA 93120**Cost:** \$15**Other Resources****National Clearinghouses****National Institute on Alcohol and Alcohol Abuse Clearinghouse for Alcohol Information**P.O. Box 2345
Rockville, MD 20852
301-468-2600**National Institute on Drug Abuse Clearinghouse for Drug Information**P.O. Box 416
Kensington, MD 20795
301-443-6500**Wisconsin Clearinghouse for Alcohol and Other Drug Information**P.O. Box 1468
Madison, WI 53701
608-263-2797**Self-Help Groups****Al-Anon Family Groups**Box 182
Madison Square Station
New York, NY 10159-0182
212-685-1771**Alcoholics Anonymous**P.O. Box 499
Grand Central Station
New York, NY 10163
212-686-1100**Families Anonymous**14611 Victory #1
Van Nuys, CA 91411
818/989-7841**Women for Sobriety**P.O. Box 618
Quakertown, PA 18951
215/536-8026**Parent and Community Organizations****The Chemical People**c/o Ricki Wertz
4802 Fifth Avenue
Pittsburgh, PA 15213
412/622-1491**National Federation of Parents for Drug-Free Youth**8730 Georgia Ave., Ste. 200
Silver Spring, MD 20910
800/554-5437**The National PTA Alcohol Education Publications**700 North Rush St.
Chicago, IL 60611
312/877-0977**Parent Resource Institute for Drug Education (PRI/DE)****Student Resource Institute for Drug Education (STRIDE)**100 Edgewood Ave., Ste. 1216
Atlanta, GA 30303
800/241-9726**Toughlove**P.O. Box 1069
Doverstown, PA 18901
215/548-0900**Federal Government****ACTION****Drug Prevention Program**
808 Connecticut Ave. NW, Rm. 416
Washington, DC 20525
202/654-4749**Alcohol, Drug Abuse and Mental Health Administration**4600 Fishers Lane
Rockville, MD 20852
301-443-4797**Office of the First Lady, Nancy Reagan****Director of Projects and Policy**
1600 Pennsylvania Ave. NW
Washington, DC 20500
202/456-7905**U.S. Congress****House Select Committee on Narcotics Abuse Control**The Capitol
Washington, DC 20515
202/225-3040**U.S. Congress****Senate Subcommittee on Children, Family****Drugs and Alcoholism**
The Capitol
Washington, DC 20515
202/224-5650**U.S. Department of Education**POB 6, 400 Maryland Ave. SW
Washington, DC 20202
202/426-6420**U.S. Department of Health and Human Services**200 Independence Ave. SW
Washington, DC 20201
202/245-6296**U.S. Department of Justice****Drug Enforcement Administration****Office of Public Affairs**
Prevention Program Coordinator
1405 I Street, NW
Washington, DC 20537
202/635-1469 or 635-1230**National Associations and Not-for-Profit Organizations****Alcohol and Drug Problems Association of North America**1101 14th St. NW, Ste. 204
Washington, DC 20006
202/377-4340**National Association of State Alcohol and Drug Abuse Directors**444 N. Capitol St. NW, Ste. 130
Washington, DC 20001
202/783-6868**National Council on Alcoholism**12 West 21st Street
New York, NY 10010
212/206-6770**National Partnership to Prevent Drug and Alcohol Abuse**1110 Vermont Ave. NW, Ste. 428
Washington, DC 20005
202/429-2940

Early Signs Flag Risk of Later Drug Abuse

Specific characteristics of students still grappling with 9 + 4 and "See Spot run" definitely indicate increased risk of drug abuse a decade later, says Sheppard Kellam of Johns Hopkins University's Prevention Research Center. Kellam's ten-year longitudinal study of 705 Chicago students found that being male, being aggressive (especially when accompanied by shyness), and scoring exceptionally well on IQ and readiness tests were "strong predictors of later heavy drug abuse." These three red-flag indicators, Kellam said, occur along three distinct developmental pathways leading to differing and quite specific constellations of later substance abuse behavior.

In *Paths Leading to Psychiatric Symptoms and Substance Abuse*, Kellam isolated some other relationships that have important implications for the design of prevention programs. Not only are the predictors of drug use separate from each other, for example, but the "adolescent population that uses substances is quite different from the population that develops psychiatric symptoms," Kellam wrote. "Early learning problems, though implicated in forms of subsequent psychological distress, were not found to presage later drug problems. Oddly, shyness alone related to a reduced chance of later substance abuse, but shyness coupled with aggression magnified the risk."

Results also help educators get a tighter fix on who is at risk of what particular danger. One antecedent, for instance, was gender-sensitive. Aggressiveness (defined as fighting and breaking rules) showed a predictive relationship among boys, but not girls. Early cognitive achievement, on the other hand, had predictive power for both boys and girls. Relationships also showed up between the type of antecedent and the type of subsequent drug problem. Shy aggressives, for example, were especially likely to use tobacco, whereas the fast-starting, high-readiness group was likely to avoid cigarettes.

Kellam's findings, he said, have been replicated by three dozen similar studies in the last seven to eight years in differing populations of various industrialized countries. "This is a revolution compared to prevention research ten years ago," Kellam said, "because we know specific early antecedents to target." The research question now, he said, is, "Can you change the specific early behavior, and if so, does it reduce the risk?" The Prevention Research Center, in cooperation with 19 of the Baltimore City Public Schools, has a study underway to determine whether strategies to change shy and aggressive behavior affect long-term outcomes vis-à-vis substance abuse.

Any drug prevention programs, Kellam stressed, should be appropriate to the different at-risk groups. "The preventive trial

New National and Board Officers Elected in 1986

The newly elected officers named below assume their duties at the Annual Conference in New Orleans, March 21-24, 1987.

National Election

President-Elect	Arthur Costa
Executive Council Member	Cile Chavez
Members-at-Large of the Board of Directors (4-Year Terms)	Alice Brownhard Rita Dunn Anne E. Price La Vae Robertson David Robinson
Member-at-Large of the Board of Directors (1-Year Term)	Julia Thomason
Review Council Member	Benjamin P. Eherovle

Board Election

Executive Council Members	Anne C. Shelly Bob Valant
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you'd want to do—and I deliberately said *trial*—might well assume that the kinds of interventions that would work for the brighter performing children may not be the same kinds of intervention you'd do for the shy and aggressive children." He also emphasized the importance of a clearer understanding of the precise developmental paths that lead to eventual drug use. "This is a complex but

unravelable story," he said, adding, "We don't have to accept the current base-line of drug use as if it's unmovable. We can take it apart."

(Inquiries relative to Kellam's research should be directed to the Prevention Research Center, Johns Hopkins University School of Hygiene and Public Health, 615 N. Wolfe St., Baltimore, MD 21205.)

Applicants Sought to Plan High Schools for the Twenty-First Century

ASCD is now accepting applications for a consortium of 25 high schools to conduct the process of strategic planning for the future. Schools will be selected in April, and the planning teams from each high school will meet for the first time in July.

The mission of this project, which is modeled on other consortiums ASCD has facilitated, will be to enhance the futures planning capability of the member schools. The anticipated product will be a five-year plan that each will develop to guide action on these areas of concern:

- **Organization:** How can schools be rearranged to provide stronger instructional leadership and responsiveness to the changing conditions in education and society?
- **Curriculum:** What common body of knowledge is most appropriate for students who will spend most of their lives in the next century? How should this core curriculum be organized?
- **Instruction:** What long-range plan will result in significant improvement in teaching? What new roles for teachers should be developed in order to improve instruction?

• **Technology:** What plans should be laid now to assure maximum use of new technologies for both school management and instruction?

Each high school selected will be expected to underwrite the expense of sending a four-member team to semiannual meetings over a two-year period. Teams must include a board member or parent representative, a central office leader, a principal, and a teacher. Schools should also plan to provide periodic opportunities for their faculties to participate in the planning process. ASCD will contribute the cost of consultants and other meeting expenses.

A selection committee appointed to choose the 25 schools will seek a balance of schools differing in size, type of student population, source of support (public or private), and surrounding population density.

For more detailed information and an application form, call ASCD at (703) 549-9111 or write to:

Gordon Cavetto, ASCD Executive Director
High School Futures Planning Consortium
129 N. West St.
Alexandria, VA 22314-2790



The Police Role In Law-Related Education

By MARTIN A. GREENBERG and ELLEN C. WERTUES

The concept of justice has been a major concern since the dawn of history. Citizenship carries with it the responsibility to understand at least some of the significant aspects of criminal and civil law. However, up until recently there existed very few formal programs on law-related education (LRE) for elementary and secondary school students and teachers.

The essence of most successful law-related education programs is to help students appreciate the idea that in order to have certain rights, people must exercise responsibility and respect for others' rights. Teachers use numerous case studies to convey this concept and provide a better understanding of the way activities are affected by legal constraints or legal protection.

Benefits of LRE

In the early 1980s, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice sponsored a research effort in which 323 high school seniors from six communities in different regions of the United States were studied in order to determine what effect law-related education had in reducing juvenile delinquency. Positive changes from previous patterns of behavior were detected among those students who had been in classes in which teachers used the prescribed law-related educational materials. Students from similar backgrounds who did not receive the instruction either showed only slight improvement or committed an increased number of offenses.

It was concluded that effectively presented law-related education (that which actually increases knowledge of the law, the Constitution, and the legal system in general) helps students refrain from using

violence to solve problems and becoming dependent on others who engage in delinquent behavior. Students also began to see themselves as accepted members of society, particularly with regard to authority figures (parents and teachers) and student peers. The teaching methods most likely to bring about such behavior changes were those in which students participated, and those that were strongly supported by school administrators and members of the local criminal justice system.

In a study involving 1,054 elementary, junior high and senior high school students, evaluators found that students who were exposed to law-related education programs are less likely to engage in eight of the 10 categories of delinquent behavior examined.

The most recent research findings, from the Social Science Education Consortium in Boulder, Colo., confirm that law-related education does encourage positive behavioral attitudes in students. In a study involving 1,054 elementary, junior high and senior high school students in 18 schools in California, Colorado, Illinois, Michigan and North Carolina, the evaluators found that students who were exposed to such programs are less likely than others the same age to engage in eight of the 10 categories of delinquent behavior examined. These students also showed improvement in their attitudes toward school and improvement in many factors associated with law-abiding behavior.

Distinctive Programs

In the early 1970s, the Kansas Bar Association, the Washburn University of Topeka School of Law, the Kansas Department of Education and the Topeka Unified School District formed a study group that developed a manual called *Law in Educa-*

tion. This textbook was designed to help teachers provide law-related education classes in junior and senior high schools. In addition, the group sponsored a college course and a television course on law and techniques for teaching about it. Financial assistance was provided by the Governor's Committee on Criminal Administration.

A second major effort to provide law-related education received its impetus from a request by the Chief Justice of the Kansas Supreme Court that the Kansas Department of Education initiate the formation of a "blue ribbon" commission. At its first few meetings, the newly formed Joint Commission on Public Understanding of the Law reviewed the materials of programs in Alabama, Arizona, Massachusetts, Mississippi, Ohio, Vermont and West Virginia. They selected the Center for Educational Research and Service at Emporia State University to facilitate the development of materials based on the programs of the states reviewed, and to assume responsibility for the operation of the Law-Related Education Clearinghouse, funded by the Kansas Bar Association and formerly housed at Kansas State University. A faculty member at Emporia State University and a specialist in the Office of Judicial Administration of the Kansas Supreme Court agreed to head the materials development project for kindergarten through grade twelve.

Founded in 1969, Law in a Free Society is a civic education project of the State Bar of California. Its goals are to help students develop an increased understanding of the fundamental principles, processes and values essential to the preservation and improvement of American society; develop the skills necessary to participate as effective and responsible citizens; and use democratic procedures for making decisions and managing conflict. The Law in a Free Society curriculum and accompanying teacher training and classroom materials are based on eight concepts fundamental to understanding political and legal systems: authority, privacy, responsibility, justice, freedom, property, diversity, and participation. The program has established 10 independent law-related civic education centers in Arizona, California, Indiana, Kentucky, Massachusetts, Michigan, New York, Oregon, South Dakota and Tennessee—in order to foster the growth of

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DR. ELLEN C. WERTUES is an assistant professor in the Department of Psychology, State University of New York-Corson, Corson, NY 13045. She was formerly a member of the faculty of Marquette University and served as assistant director of the College of the Coasts Social Learning Center. She holds a Ph.D. in educational psychology from New York University.

Police may satisfactorily fulfill their crime prevention objectives by becoming associated with any of the six national LRE programs, encouraging other local organizations to establish LRE committees, serving individually on such committees, coordinating student and teacher internships, or developing education programs.

Police Role

In the past, the police have served as a very visible community resource within the public school system. However, in many elementary schools, this participation has often been limited to an officer visiting the class and lecturing. A popular variation on this theme is to present a substitute in the form of a talking bicycle or bloodhound. Trips to the police station or the local jail may also be arranged, and

some police departments permit the teacher to go on a ride-along in order to become familiar with the problems of police patrol. Such activities may provide students with a positive role model for obeying laws, but otherwise appear to be very unimaginative efforts and are not likely to help students understand the underlying reasons for laws.

Police may more satisfactorily fulfill their crime prevention objectives by becoming involved in law-related education programs, which may be accomplished in numerous ways. For example, police could become associated with any of the six national law-related education programs—the American Bar Association's Special Committee on Youth Education for Citizenship; the Children's Legal Rights Information and Training Program; the Constitutional Rights Foundation; the Law in a Free Society project; the National Institute for Citizen Education in the Law; and Phi Alpha Delta Law Fraternity, International, the world's largest professional legal fraternity.

The police could also encourage other local organizations to establish law-related education working and advisory committees. At the very least, police chiefs, po-

lice legal advisors or designates could serve individually on such committees. Police departments might choose to assume a leadership role by developing a speaker's bureau on the importance of law-related education or to participate in classroom sessions, teacher-training and the development of course materials, preferably as part of an on-going law-related education program.

Police could also take the initiative of coordinating students and teacher intern-

ships or establishing college and adult education programs in the community. Significantly, none of these activities would require police forces to diminish their more traditional functions of law enforcement and peacekeeping. The police could draw upon the resources of the community by using auxiliary or reserve unit members in order to participate in law-related education programs.

Police have the power to expand their crime prevention efforts by becoming in-

volved in law-related education programs and enlisting the assistance of concerned citizens. Surely, now is an appropriate time to use this power. *

For more study materials visit LIFE.com/StudentLearningCenter.
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¹ "Schools D. Japan: An Introduction to Low-Cost Education in Korea," 4 Report on Research Projects Affected Korea Education (Seoul 1986), 21.

LEIF Nationwide

After two years of support for a carefully controlled research and development effort to test the impact of law-related education (LRE) on students and to evaluate alternative strategies for institutionalizing LRE, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is shifting its LRE emphasis to a national training and dissemination program.

The goal of the program is to stimulate widespread implementation of high-quality law-related education programs in school and juvenile justice settings. Among the organizations receiving support from CLEJ® to conduct the national training and dissemination program is the National Institute for Citizen Education in the Law, a nonprofit organization in Washington, D.C. Services by the institute include curriculum development, teacher training, and technical assistance to new and established LRE programs.

The Institute also produces many publications, ranging from textbooks to filmstrips and a newsletter.

Methods of law-related education developed by the Institute are attracting attention for their positive impact on youths' attitudes toward responsible behavior. A recent national evaluation of LIFE revealed that these courses, when properly implemented, can play a significant part in reducing delinquent behavior.

In 1994-95, the following states have been targeted by GJCEP for intensive LBE efforts: California, Colorado, Florida, Hawaii, Illinois, Indiana, Michigan, Nevada, North Carolina, Oregon and Tennessee. For additional information on these programs, please contact Lee Aniselman, Program Coordinator, National Institute for Citizen Education in the Law, 605 G St., NW, Washington, DC 20001-2024/2024-1217.

Using Law-Related Education to Reduce Juvenile Delinquency

By LAWRENCE SEIB and VEE SCHWOLL

When the Loveland Police Department's first group of officers heard they were going to teach law to ninth-grade students, some wondered if they were victims of a new form of departmental discipline. That was in 1982. Today, more officers volunteer than the program can handle.

This new role for police was created when a local junior high school started offering law-related education (LRE) in place of standard civics courses. The Loveland Police Department and Bill Reed Junior High School became partners, and several officers became part-time teachers. Students in those classes not only learned about the law, but interacted with police in ways that were totally new to most of them. They had a chance to see officers as both experts and human beings. The program's main objective was delinquency prevention.

Two years and 14 LRE classes later, our officers now know more about the topics they have taught and are more confident when they deal with teenagers on the street. The kids are less delinquent in and out of school and have more respect for police and the law. Statistical evidence gathered by outside evaluators confirms the improvements we have witnessed. Based on scientifically designed research, the evaluators estimate that last semester there were some 600 fewer school rule infractions (truancy and cheating, for example) and more than 100 fewer instances each of theft, vandalism and law-breaking in groups than would have occurred in the absence of the program.¹

Officers in the program work alongside the regular junior high teachers. For two or three hours a week in each LRE class, an officer deals with a topic that he or she knows firsthand. The officers know ahead of time what their curriculum responsibilities will be. The topics come in a scheduled, logical sequence over a school semester and follow daily learning objectives.

Students receive practical information about how to be a good eyewitness, steps for avoiding burglary and assault, DWI, dilemmas involved in search and seizure, and other enforcement and judicial processes that citizens should know about. They sometimes get graphic examples of

the consequences of criminal behavior. In advance of an officer's presentation, the regular teacher uses the textbook (*Sever Law*) to acquaint students with relevant basic concepts and lay a foundation for the topics.

Changing Attitudes

From their study of LRE at schools that do not bring police or other professionals into the classroom, researchers have found that simply teaching law-related content is not enough to reduce delinquency. It may only make kids seem smarter, without changing their attitudes or behavior. In Loveland, the content is a vehicle to help students and their teachers see police as they really are. What goes on in those classrooms builds a consensus of evidence against the stereotype of the "bureaucratic cop" and other negative images that some people have of police. Instead, the officers are seen as knowledgeable sources of help and as persons with tough decisions to make as they work to protect individual rights and keep the community safe.

Objective "before" and "after" measures bear out our own impression that the classes leave students with more favorable attitudes toward police in general, not just individual officers. Our budget did not permit us to assign one member of the force to work full-time at the school, which is the arrangement often made for school liaison officers. Instead, we recruited a team of officers to cover the total class time needed—nine hours a week the first year and 27 the second (after the number of sections of LRE was increased to nine).

The result was that by the end of the course, every student had seen from four to six representatives of the department in class—providing repeated, favorable contacts for the kids and a solid basis on which to form general opinions about the police. Teams of officers are essential for a program like this; a lone "Officer Friendly," no matter how talented, risks being viewed by students as a one-of-a-kind maverick in the department.

To some extent, the attitude change was two-sided. The teaching situation gave officers a chance to see the teenagers at their best. During a presentation on search and seizure, one officer recognized four students from having instructed search warr-

ants on their houses a month earlier. They had been trouble makers, but they asked good questions and contributed to the discussion from firsthand experience. LRE was the only course that one of them passed that semester.

Startup of the program was not completely painless. We asked for five volunteers to teach LRE and did not get them. We then had to make assignments. The school principal told us he cared more about good interaction with students than polished standing lectures, so the officers picked were not necessarily those with the most public speaking experience. This left some of those chosen wondering why they were singled out for the job.

Initial reactions from their platoon sergeants didn't always help the participating officers' peace of mind, either. Teaching responsibilities occurred during normal shift hours and were relatively inflexible, complicating the sergeant's scheduling task. After word got around that the new duty in school was rewarding, there may also have been resentment from those who had to do extra police work while a fellow officer was "off having fun with the kids."

As obvious way to keep LRE from interfering with shift routines was to move the teaching to off-duty time. Two things made this possible. Encouraged by strong evidence at the end of the first semester that the program had reduced delinquency, the Loveland City Council allocated \$15,000 from the general fund to pay extra straight-time to officers willing to use some of their free hours for LRE. And, after getting their feet wet in the classroom, officers were now eager enough to participate to favor that arrangement. The program has run smoothly ever since. The

LAWRENCE SEIB has been the Chief of Police of the Loveland Police Department, 400 East 5th St., Loveland, CO 80537, for eight years. He was formerly division chief with the Fort Collins, Colo., Police Department, and holds a B.S. degree in law enforcement from the University of Northern Colorado. Chief Seib is a member of the ACP.

VEE SCHWOLL, a lieutenant in the Loveland Police Department and the Police Officer Candidate, has been a member of the department for 15 years. He received a B.S. degree from the University of Northern Colorado and is a graduate of the ACP's Academy of the 19th National Academy.

budget allocation has continued; officers receive pay for time spent in class and do lesson preparation on their own.

Training to Teach

Before the expanded second-year program began, our officers and the regular teachers trained together for three days. The training included pointers for explaining complex material, engaging students in productive discussion, and keeping disciplinary actions from disrupting the lessons. The objective was to use class time to the best advantage and reduce the element of surprise for the officers. Going through training increased officers' confidence in confronting 30 youngsters in a classroom and made them better teachers.

Some of the topics covered in training also had more general value. What the trainers called "checking for understanding" can help in any communication situation between persons who have unequal levels of expertise; the term refers to techniques for making sure that the listener understands your first point before you try to make your second one. "Proactive classroom management" explained ways to define a new situation so that everybody present is less inclined to disrupt it. For trouble that may come despite those steps,

training in "the law of least intervention" covered a series of quick, low-energy countermeasures that work without interfering substantially with an officer's main task.

In order to refute the distortions of law enforcement that youngsters see on TV and the impressions received from some news stories that miscarriages of justice are prevalent, an officer in the classroom has to be believable. Even ninth-graders know that the justice system isn't flawless and that police can make mistakes. Claim perfection, and your students may doubt everything you say. On the other hand, the system works much better than some kids think it does. They need to learn that fairness usually prevails and that there are safeguards built into the system to take care of times when it does not. The suggestion from the trainers was to present a balanced picture: admit that mistakes are possible, but don't overdo the horror stories. Evaluators sat in on 30 of our class periods last semester and concluded that the presentations were right on track. One of them summed up his observations this way:

Although officers occasionally referred to subjects as "dumbos," their demeanor gave the impression that their actions and those of the justice

system reflected the dual concerns of preserving individual rights and protecting society. The theme was particularly evident in discussions of search and seizure, confessions by wrongdoers, and the exclusionary rule. Officers acknowledged that occasionally they were guilty of abuse of individual rights, but pointed out that subsequent, rational acts were likely to correct such errors. In one day's class, an officer used a controversial murder case to illustrate this point. A pool of students showed that all of them believed the suspect to be guilty of murder, yet the charges against him had just been reduced because of the means used to obtain the evidence. In discussion with the students, the officer made the point that this was an example of the system working as it should: there are rules by which evidence may be gathered and errors are a criminal proceeding; when these are avoided, it may take an unprosecuted case to protect an individual's rights.

A highlight of most LRE courses is a mock trial, which gives pupils a chance to practice what they have learned about evidence and court procedures and let them experience the difficulty of determining the truth in a criminal case. A typical class spends a week getting ready for the trial. Every student takes a role. About one-third serve as defense attorneys and witnesses, a third are on the prosecution team, and the rest are jurors. All have to

learn the case and their respective parts thoroughly. Frequently, an officer will work intensively to prepare the prosecution team, while the regular teacher works with the defense group. By the day of the trial (often held in a local courtroom), the pitch of excitement and sense of team rivalry may resemble those of a major athletic event.

Though not required, most of the students get to know our jobs better by signing up for a police ride-along. During the first week or two of a class, our officers often spot a few youngsters who regard them as intruders. When one of those kids eventually volunteers to ride with an officer (as many do), we feel we have been accepted. The course also offers students credit for conducting security audits in their own homes. Using pointers that officers give in class, a teenager can demonstrate to his parents that he has learned something of immediate value.

Mock trials, ride-alongs, and home security audits have appeal on their own, but we think it's important to fit them into a bigger picture. The whole LRE course is what produced favorable results, and those activities rounded it out. In our view, the program is worth doing without shortcuts. Our commitment to LRE is now higher

than ever, and we plan to add a second school in 1985.

Conclusions

Several factors helped make the undertaking a success. To any department considering a similar program, the following suggestions should be valuable:

- Get a strong commitment from both the police chief and school administrator. Problems during the early stages of the program may demand active cooperation between the two officials.
- Assign a team of officers to the program. Students will be more likely to change their general attitudes toward police; officers will have colleagues to talk with about their classroom experience; and substitutions will be possible when a court appearance takes an officer away from a scheduled class.
- Schedule officers into class during their off-duty hours, avoiding interference with shift work.
- Seek joint training of officers and teachers before a school semester begins. Good instructional skills result in efficient use of class time, and training can mark the start of productive working relationships between officers and teachers.
- Have officers work with teachers to

plan the course ahead of time. A logical, coherent sequence will be more effective than a series of random topics and activities.

• Take advantage of existing special expertise in the department. Let officers teach students or coach their colleagues in the areas they know best.

• Insist that officers wear their uniforms to class, but encourage informality in other respects. Students should know the experts who come into their classes as both police officers and human beings.

Our participation in LRE has turned out to be an effective delinquency prevention strategy. It has also made our officers more knowledgeable and helped them with their regular jobs. An officer in the program responded recently to a disturbance call from a shopping center video arcade. He recognized some of his students in the group of unruly teenagers that had prompted the call. All he had to do to disperse the crowd was say, "Tommy, Susie, what are you doing here?" Everyone scattered immediately. ♦

Special cooperation on the evaluation was given the project's completion by the Center for Action Research, Inc. (1984) and the City of St. Louis, Missouri (1985).
LRE is presented in St. Louis by the Center for Action Research, Inc. 1101 North Jefferson Ave., St. Louis, MO 63102.

Senator KENNEDY. We will come to that. I think we will hear from Mr. Kleiman first and then we will question both of you.
Mr. Kleiman.

STATEMENT OF MARK KLEIMAN

Mr. KLEIMAN: Mr. Chairman and members of the committee, my name is Mark Kleiman. I am a lecturer in public policy and a research fellow of the program in criminal justice policy and management at the John F. Kennedy School of Government, Harvard University.

From 1979 to 1981, I served in the Office of Policy and Management Analysis of the Criminal Division, U.S. Department of Justice, as its Associate Director for Drug Enforcement. That involved both thinking and writing about grand drug policy and working with prosecutors and investigative managers on specific problems and innovations in drug law enforcement. In 1981, I was appointed Director of the Office, and continued to work on drug and organized crime issues through 1983, when I returned to Cambridge.

At Harvard, and previously at the University of Rochester, I teach courses in policy analysis, crime control, and drug abuse policy. My Ph.D. research at the Kennedy School concerned Federal marijuana enforcement; the results will soon be available as a book entitled "Marijuana: Costs of Abuse, Costs of Control." Largely in collaboration with Peter Reuter at the Rand Corporation, I have done studies of the economics of the drug markets. My empirical work has involved the evaluation of retail drug crackdowns. As a consultant, I give advice to state and local governments on drug abuse control policy; my most recent study was for Santa Cruz County, California.

It is a pleasure, as well as an honor, to have the opportunity to testify before this committee on the serious and complicated topic of drug abuse control policy. Just how complicated that topic is, and just how likely it is that what appears to be a sensible policy will backfire in practice, I continue to learn. Anti-drug measures, like anti-Communist, Anti-racist, or anti-apartheid measures, can be good, bad, or ugly, and ought to be considered on their merits and not their labels. It is in that constructive and skeptical spirit that I offer what follows. I would like to start with a few general principles, and then combine those principles with what I think I have learned from my research to make some specific policy recommendations.

First, then, the general principles:

1. Drug enforcement can make illicit drugs somewhat more expensive and somewhat harder to buy. It cannot put an end to drug abuse. The relevant questions are all of the form: "If we arrest 20 percent more retail heroin dealers, how many fewer muggings will we have as a result?"
2. Drug enforcement competes with other law enforcement for scarce resources, most of all scarce punishment capacity, whether in the form of prison cells or "alternative" punishments.
3. Drug enforcement has multiple goals, and strategies which serve one may not serve another. The goals are: Preventing drug abuse and the damage it does to drug users, particularly kids; con-

trolling the crimes committed by drug users, either to get money to buy drugs or as a result of drug intoxication; controlling violence and corruption by drug dealers; and protection neighborhoods from the effects of open drug dealing.

To this conventional list we must now add controlling the spread of the AIDS virus [HIV] among intravenous drug users and from them to their sexual partners.

4. Different drugs and different areas call for different policies. The approach that works for heroin may not work for powder cocaine. The policy that makes sense in Portland, ME, is gibberish when applied to Portland, OR.

Now the specifics:

1. Much current policy is based on the notion that the closer drug enforcement gets to the source, the better it is. I would offer the opposite rule of thumb: the closer enforcement gets to the end user, the better it is. To increase the price of drugs, domestic enforcement beats overseas enforcement and interdiction because three-quarters of the final price of imported marijuana, and nine-tenths of the final price of cocaine and heroin, represents markups in domestic distribution. To decrease the availability of drugs—that is, to increase the difficulty of purchasing drugs or reduce the proportion of the American population within easy buying range of any given drug—we must influence the numbers, distribution, and behavior of retail dealers.

As evidence of the difficulty of controlling drug abuse by intercepting shipments near their source I offer the history of cocaine since 1981: while the enforcement effort quintupled, price fell by three-quarters and consumption soared. Recriminations about lack of commitment or lack of coordination, I submit, miss the point: the entire strategy didn't make any sense, in ways perfectly predictable (and in fact predicted) at the start. If the problem is that you're trying to bail water with a fork, you don't need a bigger and better fork, a larger bailing task force, or a bailing czar. You need a bucket.

2. This implies that, among Federal agencies, DEA, FBI, and IRS should be getting relatively more funding for drug enforcement, while the Customs Service and the Coast Guard should be getting relatively less. It also implies that State and local enforcement agencies should be undertaking a larger share of the total drug enforcement effort.

3. Retail enforcement comes in two styles. Either police attempt to maintain some pressure on all drugs, in all locations—this can be done with a mobile task force that rotates from one drug corner to another or with a steady level of routine enforcement—or police choose one or two areas where there are flagrant open markets and try to shut those markets down and keep them shut.

4. Of these two choices, which might be called "zone defense" and "crackdown," the concentrated crackdown seems to have most of the advantages. I have thoroughly evaluated the Lynn (MA) Task Force, which District Attorney Burke has described, and the Lawrence Drug Task Force, and taken a somewhat more cursory look at Operation Pressure Point I on the Lower East Side of Manhattan, which Commissioner Ward has described. Peter Reuter and his colleagues at Rand have looked at drug enforcement in Wash-

ington, DC, which followed the "zone defense" model. Aric Press of Newsweek has looked at crack enforcement in New York City, also largely a zone-defense operation.

5. Looking at all these results together, I draw the following lessons:

Crackdowns seem to be less profligate of enforcement resources, and particularly of court and prison time, than more diffuse enforcement efforts. Where the crackdown is of adequate size compared with the market it attacks, the number of arrests falls sharply over time.

When successful, crackdowns can substantially reduce violent and property crime: by more than one-third in Lynn, by about one-fifth in Lower Manhattan. The reductions in violent crime are particularly substantial. The Lawrence experience shows that not all crackdowns enjoy this particular sort of success. The key, again, I think is the ratio of enforcement to market size: something like one police officer for every fifty regular drug buyers seems to be the magic formula, though this relationship is likely to vary greatly from situation to situation. The D.C. experience, and the New York crack experience, I take to be quite discouraging about the effect of randomly distributed drug enforcement activity on common crimes.

Breaking up a street market yields substantial quality-of-life improvements for the neighborhood directly affected, even if crime rates do not fall.

6. What makes a crackdown so special? I think the answer is that street markets can adapt rather easily to small or temporary increases in enforcement pressure: the classic story from Pressure Point I is the dealing organization which sent its street sellers on a 3-week vacation to Puerto Rico on the theory that the enforcement effort would be over by the time they got back. Zone-defense enforcement therefore fails to reduce the overall number of transactions. A successful crackdown, by contrast, denies a certain amount of territory to drug dealers. Those who live there, and those used to buying there, may not follow the market to its new location.

7. Where is a crackdown most likely to work? Where the market is relatively small, where a given drug is traded only in a few locations in a city, where most of the dealing is in public, where most of the users buy every day rather than buying large supplies all at once.

Where is it most likely to reduce crime? Where the users and dealers are most criminally active.

This describes heroin markets virtually everywhere. It also, I think, describes crack markets in most cities, except where things have gotten completely out of hand.

8. Heroin is also special for another reason: Heroin is the drug most likely to be injected, and therefore the drug most linked to Aids transmission. More retail heroin enforcement is one of the very few Aids control policies with nothing but good effects on the course of the epidemic.

9. I tentatively conclude, then, that everywhere there is open heroin dealing there ought to be a crackdown, and that the same applies to open crack dealing except in the few cities where the system just doesn't have the capacity to make and process the requisite number of arrests. If this means less activity directed at mid-

level powder cocaine dealers, that seems to me a cost worth bearing.

If we try this approach, we will inevitably have some failures to learn from as well as some successes to celebrate, but I think the evidence is already good enough to go ahead and try.

Let me close with two more points, and then open myself to your questions.

10. Crackdowns reduce crime because they reduce drug abuse, and thus drug users' need for cash, because they reduce violent interchanges among dealers and between dealers and users, and because they get some high-rate criminals off the streets for a while. Many of these benefits can also be achieved by identifying drug-involved offenders and forcing them to choose between drug abstinence and jail. Drug testing of persistent violent and property offenders has almost nothing in common with random drug testing of workers. The absolute rate of drug use is high enough so that the proportion of false positives is quite low, and the value of the control to be achieved by testing is established by the criminal history of the person tested.

Without a larger prison-building program than we are likely to see, the key to controlling crime is to learn how to control offenders while they are out of jail. Required drug abstinence monitored by drug testing is a very effective technique for doing so.

11. The drug abuse control effort is flying blind.

Our intelligence on the most crucial questions—who's buying drugs, where they're buying, and how much they're spending—is laughable. Not only is the 1985 drug abuse survey still not out; not only does its sample eliminate prisoners, students living in dormitories, the military, and the homeless; but even if its current sample it never asks a question with a dollar sign on it. We need to know as much about the cocaine market as Proctor and Gamble knows about the soap-flakes market. More than that: we need information sufficiently localized, and sufficiently frequent, to be able to measure the success or failure of local programs. Either the National Institute on Drug Abuse needs to change its survey practices drastically or the Bureau of Justice Statistics should be instructed and funded, to collect drug purchase information from a large national sample.

But survey data is a help to evaluation, not a substitute for it. Whatever local enforcement programs the Congress chooses to fund should be evaluated, and not be the agencies who are distributing and spending the money. The National Institute of Justice ought to have this responsibility, and a budget to handle it.

Finally, drug enforcement at every level needs more, and more searching, analysis and evaluation than the internal planning and evaluation staffs of current or proposed agencies are likely to give it. As I said at the start, this is complicated, tricky business. It seems to me that our national defense has benefited from the network of university research centers and private think tanks that provide a set of views independent of the services themselves or even the Pentagon's own analysis shop. Since I am too personally interested to offer a dispassionate view, I submit to this committee the question of whether such a non-governmental center of careful

thought would be helpful to the campaign against drug abuse, and what form or forms it might take.

Let me add one note to my prepared remarks.

Both Commissioners Ward and Chief Brown indicated support for enhanced interdiction efforts to prevent drugs from coming into the country. As I indicated in my prepared remarks, that seems unlikely to succeed.

I defer to Commissioners Ward and Chief Brown on the piece of the enforcement problem they work on day to day and know at lot more about than I ever will. However, when you confront a genuinely tough problem and realize that the tools you have at hand can't do much, you're tempted to imagine that someone else could make a big dent in the problem with his tools. The grass is always greener on the other side.

But I submit that, if you put the Commissioner or the Chief in charge of the Customs Service for two years, they would then come back and say, "No, I can't solve that one." The statistics that the Senator was offering earlier from the Rand report are utterly persuasive and history is utterly persuasive on this issue: Interdiction is a weak reed to lean on.

Senator KENNEDY. Thank you very much.

Judge Walton, I just have a few questions for you and then I will turn to Mr. Kleiman. On the question of recidivism, what can you tell us about what works, in terms of first offenders, that might be instructive in terms of law-related education to help reduce the numbers of individuals who would have further contact violating the law?

Judge WALTON. Well, since a significant number of the individuals who come into the system are drug abusers, I think that drug testing is imperative. Fortunately, we have a very good pre-trial drug testing program, but we do not have a very effective post-sentencing drug testing program.

In fact, if a defendant wants to challenge the accuracy of the drug testing that was done post-sentencing, we really do not have an effective system in place whereby we have trained chemists who are able to come to the court and testify as to the results of the urinalysis that was done. So I think it is very important that we have effective drug testing.

On the other hand, I do also think that it is important that individuals, especially young people who come into the system, have an awareness of the consequences of their involvement in crime.

That is why I think law-related education is very effective. There are statistics suggesting in South Carolina, also here in the District of Columbia and Ohio, that there has been a significant reduction in the recidivism rate of individuals who participated in law-related education programs.

I think that a very effective model can be established whereby students are taught, and individuals who are involved in crime for the first time are taught the law, but at the same time are also given instruction on the consequences of drug use or drug distribution.

For example, the fact that individuals, if they use drugs and then drive a motor vehicle and they are involved in an accident and someone is killed—I think they should appreciate the fact that in

addition to the potential of being charged with possession of drugs, they could also be charged with homicide, which a lot of young people do not have an awareness of.

I think that it is also important that young people appreciate that if they are going to sell drugs and if they sell them to someone—and since they are not chemists and cannot predict what effect the drug is going to have on the person who uses them and that user dies as a result of that drug use, I think they should again appreciate the fact that they can be charged with, in addition to distribution of drugs, homicide.

I think, therefore, that it is important that as a component in working with first offenders that they have some appreciation of what the law provides. Therefore, I think legally-related education can have a positive impact on the recidivism rate.

Senator KENNEDY. Do you get very much money, Federal funding, in terms of the diversion programs here?

Judge WALTON. In the area of law-related education?

Senator KENNEDY. Yes.

Judge WALTON. As I understand it, there is approximately \$2.5 million at the present time, I believe—oh, none for diversion, I am told.

Senator KENNEDY. Do you believe that would be a useful investment to make?

Judge WALTON. I think it would be very useful, especially when you are talking about the young, first-time offender. I am surprised that we are not receiving funding because I think it has been proven through statistics to be a very effective means of deterring individuals from involvement in crime.

Senator KENNEDY. Let me just come to a final question, and that is the importance of education in the fight against drugs. Do you think that there is an important role in terms of education programs in the schools?

Judge WALTON. I think it is vital.

Senator KENNEDY. How early would you start that?

Judge WALTON. I would start at the elementary level because I think that many times if you wait until junior high school or if you wait until high school, many children at that age have now become actively involved in drugs.

Recent statistics that were put out by our Pre-Trial Services Agency indicate that at the age of between 12 and 14, there is a significant increase in the amount of drug use among children.

I know one phenomenon that we are dealing with, and I was out at a junior high school recently and the principal told me that until recently it was the high schools that were being plagued by the drug pushers coming down and recruiting students to sell drugs because they appreciate the fact that as a juvenile, if a person gets arrested, the consequences as far as criminal sanctions are concerned are really insignificant.

The younger you are, the less significant are those sanctions, and therefore this junior high school principal told me that one of the problems she is having is that the drug pushers are now coming to the junior high school level and recruiting her students to go out and sell drugs.

Therefore, I think it is imperative that we reach those children at the elementary stage and at the early junior high school stage and try and let them know about the consequences of their activity because, again, I do think it would have a positive impact on their involvement in crime.

Senator KENNEDY. Thank you.

Mr. Kleiman, just a couple of questions. On the issue of the armed services, we had a hearing the other day. We had the Rand Corporation and the General Accounting Office indicating that efforts to direct military force to drug interdiction may have only marginal value. Yet, there are other studies, such as the Customs Service's Wharton study, suggesting otherwise.

Have you had a chance to review those studies at all?

Mr. KLEIMAN. I have. The Wharton study goes through the following process. It looks at how many kilograms of cocaine are seized per dollar spent in interdiction work versus domestic investigation work, and reaches the conclusion that it is far cheaper to seize cocaine on an airplane coming in than in a crack dealer's inventory.

What that analysis misses is that it is far cheaper for dealers to replace cocaine on an airplane coming in than in a crack dealer's inventory. Focusing on the physical quantity of the drug is simply a methodological mistake.

Bulk cocaine powder is merely a raw material input into the drug distribution process. More than 90 percent of the dollar price paid by a cocaine user for retail cocaine is domestic mark-ups at various levels.

So, it is true that we can seize lots of cocaine but, as the Senator pointed out, we have been seizing lots of cocaine, and the bad guys have been growing and shipping lots of cocaine.

The Wharton study gets the right answer to the wrong question. We can, as the study says, seize a lot more cocaine per dollar spent on the high seas. But if the purpose of drug law enforcement is to raise the price and decrease the availability of illicit drugs, seizing drugs, as opposed to imprisoning drug dealers, is a very weak weapon. I am as convinced as I have ever been of anything that the money we are spending on high seas and smuggling enforcement is money wasted.

Senator KENNEDY. You talk about accountability. I thought you made an important point there with which I would agree. In your assessment, do we know enough about patterns of drug dealing and know what efforts will work, and if not, what the best means of measuring the success of future efforts is? How are we really going to do an effective evaluation?

Mr. KLEIMAN. We have two current sources of information about drug use. One is the household survey.

Senator KENNEDY. Excuse me. What is that?

Mr. KLEIMAN. The National Institute on Drug Abuse does an annual—I am sorry; it used to be annual, then it was biennial, now it is whenever they get around to it or whenever OMB will let them get around to it—a survey of 15,000 households, asking questions. This is done by the epidemiology group at NIDA, so the questions are primarily about what drugs are used and a little bit about the frequency of use.

There are several problems with the household survey as a guide to policymaking.

First, it is far too infrequent.

Second, the sample is far too small to say anything about a neighborhood. Even with a city, it cannot say anything very meaningful. Third, the survey does not ask about money spent because it is an epidemiology study.

Fourth, it is a household survey, which means it excludes prisoners, students living in dormitories, members of the military living in barracks, and the homeless. Now, once you get rid of those four groups, you are likely to have a substantial under-estimate of the quantity of drugs consumed.

We need a much larger sample. We need a sample that includes rather than excludes high drug abuse populations, and we probably need special panels. We probably need to go in and over-sample among high drug abuse populations who are hard to reach.

This suggests either a massive upgrading of that survey or an alternative survey followed on the market.

We could spend a lot of money on better survey data, but I think it would be money well spent.

Senator KENNEDY. Senator Grassley.

Senator GRASSLEY. Thank you, Mr. Chairman.

I need to know a little bit more about your point about random drug testing of workers in light of the fact that the Navy, since 1980, claims that, through its own testing program, has reduced the use of drugs from 33 percent of its people to 10 percent.

The Southern Pacific Railway said that drug testing programs since 1984 have cut drug use by 75 percent. Fifty percent of our Fortune 500 companies have instituted drug testing programs.

Mr. KLEIMAN. I think most of the companies that are doing drug testing are doing a pre-employment screen. It seems to me, if I were running a company, that I would probably want to do a pre-employment screen if only to screen out the people who are so deeply drug involved that they cannot stop using for 30 days before the test. That seems to me like a very sensible thing to do.

I am not familiar with the Southern Railway results or the military results. It seems likely that a heavy testing program will reduce the use of whatever drugs you are testing for.

Unfortunately, while marijuana remains detectable for 30 days, cocaine and heroin remain detectable only for about 48 hours, and the hallucinogens basically are not detectable at all through chemical testing.

There is, I gather, some evidence that some of those testing programs have tended to push people toward hallucinogen use and away from marijuana use, and which is not at all a good trade.

I am worried about the false positives. If you test a population with a very low rate of use, even a small ratio of false positives to total tests will mean that a large fraction of the people you "catch," will not, in fact, be drug-involved.

My other worry is that all the tests we have are essentially tests of historical drug use. They test chemistry, not intoxication.

It seems to me that if I were an employer, I would want to know whether somebody is showing up to work zonked. I would not care

much what he was zonked on. That suggests a need for better tests of intoxication.

I think it is not impossible to develop either psychometric tests or neurological tests that determine whether someone is currently under the influence of something so that he is not ready to work.

After an accident, it is perfectly reasonable to ask whether the person was intoxicated. Otherwise, I am not sure that everybody ought to have to give a periodic urine specimen as a condition of employment.

Senator GRASSLEY. Do we approach this from the standpoint that, for example, the Federal OSHA program guarantees each worker a safe work place? The impact of the drug user on the safety of his fellow workers—is that how you would approach that?

Mr. KLEIMAN. I think not merely that. If I were an employer, I would be worried about that. I would also be worried about productivity. I would be worried, particularly in the case of cocaine, about financial misconduct on the part of employees. A cocaine habit is like a gambling habit in that sense.

But if I were worried about safety, accidents and productivity, and I were an employer, I would spend most of my effort worrying about alcohol, which is somewhere between 75 and 90 percent of the problem. Again, I am just talking as an employer, not a drug crusader.

It seems that there is a desire to enlist the employers of the country in the war on drugs on the theory that if anybody has got a job and is using drugs, we should fire him and then he will not have the money to use drugs. That seems to me like a clumsy way to go about things, Senator.

Senator GRASSLEY. Mr. Chairman, before I finish I would like to ask that a statement by Senator Thurmond be placed in the record.

Senator KENNEDY. It will be so included.

[The statement of Senator Thurmond follows:]

STATEMENT BY SENATOR STROM THURMOND(R-S.C.)BEFORE THE SENATE JUDICIARY COMMITTEE, REFERENCE-FULL COMMITTEE HEARING ON DRUG ENFORCEMENT, 430 DIRKSEN SENATE OFFICE BUILDING, TUESDAY, JUNE 14, 1988, 10:00 AM.

Mr. Chairman:

I am pleased to be here today as the Judiciary Committee holds a hearing to examine issues surrounding the effective enforcement of our drug laws.

At the end of the 99th Congress, the Congress passed a bipartisan drug bill to help combat the drug problem. This law imposes tough penalties on those involved in drug trafficking, provides for the interdiction of the flow of illegal drugs into the United States, provides for educating our young people and other citizens concerning the evils of drug abuse, and provides grants to state and local law enforcement agencies to aid in their efforts to combat the drug menace. This bill was a good beginning. However, it is not the final solution to this serious problem. We must continue to explore new ways in which to address this growing problem.

In this Congress, many bills have been introduced which propose new ways to deal with the drug problem. Just last week, the Senate overwhelmingly approved a measure that would authorize the death penalty for drug related murder as well as provide constitutional procedures for the implementation of the death penalty for such murder. This is an important step in addressing the drug problem. I anticipate that other bills will be introduced. In fact, discussions are underway in both the House and Senate which I believe will lead to the

introduction and consideration of major drug legislation in the 100th Congress. It is imperative that we deal with this matter of national concern.

The witnesses present today will provide us with insight as to the tools that our law enforcement officers need in order to aid them in stopping drug traffickers and related crime it generates. They are on the front lines day in and day out and are uniquely qualified to tell us what is needed. By providing assistance to law enforcement, we will also protect persons who live in areas that have become infested with drugs. In a sense, they are victims of these drug pushers who promote the drug trade and the violence so often associated with it. Finally, we must continue to consider ways to discourage our young people from becoming involved in drugs as well as ways to appropriately deal with our youth who are convicted of violating the drug laws.

In closing, I would like to stress my commitment to finding new ways to address this important matter. I look forward to hearing the testimony which will be presented today.

Senator GRASSLEY. I am all done.

Senator KENNEDY. Fine.

Why is it a clumsy way? We are going to be facing that. Why should we not do it? Why not clean up the work place and do these tests, and clean up the schools and do the tests, make drug-free schools and a drug-free work place? Why not?

Mr. KLEIMAN. I think there are some practical questions and there are some questions of principle around that. The practical questions have to do with the fact that any time you test a population where the vast majority of the people involved are not doing whatever it is you are testing for, you are spending a lot of money per violation detected.

It is, after all, a pretty intrusive test. If you are going to be serious about this, it is not enough to ask for a specimen. You must watch the specimen being given; otherwise people just learn to substitute. I am told that the price of a clean urine in a methadone program in New York City is 10 dollars. All that is a worry on a practical level, when testing is random rather than directed.

Then there is the question of principle about whether random routine testing represents an undue degree of intrusion. You can ask it in the constitutional sense by asking whether such testing constitutes an unwarranted search. But getting away from the legal issue, is that the kind of government intrusion into individual lives that we really want?

There was a situation about 10 years ago where the parents of the children in a school in Central Harlem were terribly worried about heroin use among their kids and asked the school to run a urine testing program. That seems to me something one should think about quite seriously. Yes, probably we should do it. The parents want it; it is a serious problem. Reasonably, there are lots of kids involved and involvement has a devastating effect.

I am not at all convinced that testing every school child in America for marijuana has the same urgency behind it. I would want to restrict that testing regime to places where it is well justified, where you are prepared to spend enough money on it to get it right.

Before I started firing workers or disciplining school children, I would want to have at least as good controls to ensure chain of custody and on replicability of findings, on repeat testing, that I would have in the criminal realm. None of that is cheap. It is particularly not cheap if you are doing it for lots and lots of people who are negative, negative, negative, negative, and you are almost never finding anything.

Then there is the question about substitution of LSD and the other psychedelics, of inhalants, for marijuana. Marijuana is the easiest drug to get rid of with testing because it remains detectable for so long.

Pushing people away from marijuana—and into something nastier—and almost anything is nastier—would worry me a lot.

There are people opposed to any testing of anyone at any time. That is not my view. It isn't hard to show me a testing program that I like: testing offender populations, for example. I do want to resist the notion that widespread testing will solve everything.

Lie detectors were like this about 30 years ago. We were going to solve all the problems of the world with lie detectors. I think drug testing has some of the same apparent attractions and some of the same pitfalls.

Senator GRASSLEY. Mr. Chairman, our preliminary question must be: Do the American people want a drug-free society? If they want a drug-free society, and I do not think we have answered that, then I think Senator Kennedy's question about a drug-free work place and drug-free education—is where we should be in determining whether or not the American people want a drug-free society. I guess I hope they do, but I am not satisfied they do.

Mr. KLEIMAN. Senator, I submit that they made that decision in 1933. They decided against a drug-free society. We decided that the most widely distributed, most widely abused, most deadly drug in the pharmacopeia was going to be an item of commerce.

Senator GRASSLEY. Then you get to the question should we legalize drugs, and, we have not even talked about that. Today, we are talking about drug-free schools, a drug-free work place, drug-free highways—we are not talking about making illegal anything that is not illegal. We are talking about something that is already a felony; it is already illegal.

We are talking about the enforcement of the laws. We are not talking about compromising anybody's due process. We are going to protect constitutional due process, but are we going to turn our backs on violations of the law.

What sort of signal does that send to the young kids when we speak about education being a solution to the drug problem, if we do not say the possession of drugs is wrong and it is a violation of the law?

Mr. KLEIMAN. I think that is right. The question is, "What search method are you going to use?"

Senator KENNEDY. We will include your full report in the record. I want to thank you very much. It has been very interesting, very helpful testimony.

The committee will stand in recess.

[Whereupon, at 12:35 p.m., the committee was adjourned.]

[The aforementioned report, and letter which was subsequently supplied for the record, follow:]

CRACKDOWNS:
THE EFFECTS OF INTENSIVE ENFORCEMENT
ON RETAIL HEROIN DEALING

Mark A.R. Kleiman

February 9, 1988

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Crackdowns:

The Effects of Intensive Enforcement
On Retail Heroin Dealing

I. INTRODUCTION

In 1985, more than 800,000 citizens were arrested for drug law violations. The Anti-Drug Abuse Act of 1986 [P.L. 99-570] provided \$230 million to state and local enforcement agencies for enhanced drug enforcement activities. Yet the value of such activities has long been debated.

Part of this debate concerns the purposes and justifications for such efforts. Some argue that the enforcement activity is justified simply because laws against drug use exist, and it is the clear obligation of the State to enforce the laws. Others see the laws and improved enforcement as justified by their impact on levels of illicit drug use.¹ Still others see drug enforcement as a potentially useful approach to controlling "street crimes" such as robbery and burglary.²

The debate also concerns the practical effect of enforcement efforts on these objectives. There are conflicting theories about the causal mechanisms that link local drug enforcement efforts to the objectives of controlling drug use and street crime.³ And there is only a limited amount of empirical

evidence to test our theories or evaluate the results of local enforcement.⁴

Recent evidence and reasoning about one form of local drug enforcement -- crackdowns on retail heroin markets -- suggest that such crackdowns may be one way to use local drug enforcement efforts to produce valuable results.

II. THE LYNN DRUG TASK FORCE

A. The Program

In early 1983, the Massachusetts state police narcotics unit was decentralized. Its agents were dispersed into county drug task forces under the direction of the elected District Attorneys. The District Attorney for Essex County, Kevin Burke, found himself with six narcotics officers at his disposal.

Burke decided that spreading six drug officers over a county with a population of 750,000 was unlikely to produce substantial results. Chronic complaints from residents and merchants in Lynn, Massachusetts, about open heroin dealing in the High Rock neighborhood, just four blocks from the central business district, suggested a target for more concentrated efforts. Lynn had the second highest crime rate of all Massachusetts cities and a police department whose sworn strength had fallen by about one-third (from 180 to 120) due to fiscal pressures. Burke elected to concentrate his entire Task Force on street-level heroin dealing in Lynn to, as he described it, "improve the quality of life."⁵

The Lynn Drug Task Force began operations in September of 1983 with six state troopers and one detective from the Lynn Police Department. Over the first ten months of its existence, the task force averaged six full-time-equivalent police plus one part-time civilian clerk. This represented about 5% of the total sworn police forces available in Lynn, and cost approximately \$20,000 per month, or 25 cents a month per resident. Subsequently, the State troopers were slowly shifted away from Lynn and toward the larger market in Lawrence, at the other end of the county, but the Lynn P.D. added more of its own officers to the Task Force. Current strength (four years later) varies from from four to six sworn officers.⁶

The operational goal of the Task Force was to make it difficult for dealers to make sales and for heroin buyers to "score" in the streets of Lynn. Its officers watched known dealing locations and questioned suspected buyers and sellers, made arrests for possession after observing transactions, used informants to make small-scale purchases, and executed search warrants on premises used for dealing. Two officers spent several weeks in one conventional undercover operation. A "Hot Line" for anonymous tips was established, maintained, and heavily publicized; information from Hot Line calls contributed to many arrests and searches.

In its first ten months, the Lynn Drug Task Force made 140 arrests; these represented between 5% and 10% of the Lynn P.D.'s arrest activity over that period. Eleven of those arrests were

for possession of heroin with intent to distribute. Sixty more were for other heroin-related charges: simple possession or possession of injection equipment. There were twenty arrests for possession of cocaine with intent to distribute, and twelve for simple possession of cocaine. Other arrestees were charged with a miscellany of drug and non-drug offenses, or taken on outstanding arrest and fugitive warrants. Ninety-six defendants were convicted or pleaded guilty, including ten on felony heroin charges. Nominal minimum sentences on all charges totaled 110 years. Arrests have continued since, but at a much lower rate.

B. The Results

Burke's goal for the program -- "to improve the quality of life in Lynn" -- was a broad one. At a minimum, it meant halting the open dealing of heroin, and stilling the complaints of citizens who were offended and frightened by the open heroin market. More ambitiously, it meant reducing the level of heroin use in Lynn (and perhaps elsewhere if Lynn was supporting consumption in other areas) by making it difficult for experimental drug users to have access to heroin, and by giving current users incentives to abandon their use. Even more ambitiously, it meant reducing levels of street crimes such as robbery and burglary in Lynn - either by incapacitating heroin-using offenders through incarceration, or by reducing their predatory activity as a side-effect of reducing their heroin consumption. The results were unexpectedly gratifying.

1. Disorder Reduction and Quality of Life

The preliminary results of the operation included a marked decrease in the volume and flagrancy of the Lynn heroin market. A visitor walking through the High Rock area on a summer afternoon sees a placid, rather suburban neighborhood, not the drug bazaar that reportedly used to exist. Interviewed nine months after the inception of the Task Force, High Rock residents, their elected representatives, and merchants in the nearby business district, described themselves as pleased with the changes. More surprisingly, others in the city appeared to notice and appreciate the effects of the Task Force: 37% of the respondents in a city-wide survey conducted in the summer of 1984 thought that police and prosecutors were doing a better job in enforcing the drug laws than a year previously; only 12% thought that they were doing a worse job.⁷

2. Heroin Consumption

Of all the effects of drug enforcement, the impact on drug consumption is among the hardest to measure. Most of the evidence available, however, suggests that heroin consumption in Lynn declined substantially after the inception of the Task Force.

Drug treatment workers in Lynn believe that the easy availability of heroin in the early 1980's had resulted in the re-addiction of many heroin users who had been abstinent during the late 1970's. They report that, as a result of the Task Force, heroin users in Lynn found it harder to buy drugs and were

worried about being arrested for possession of narcotics if they did succeed in buying. As a result, some of them went into drug treatment.⁸ Interviews with drug users treatment confirmed this account.⁹ Of course, users in treatment do not constitute an unbiased sample of all users.

The impression that increased enforcement pressure tended to decrease heroin use is confirmed by the pattern of demand for drug treatment services in Lynn. Unlike treatment facilities elsewhere in Massachusetts, the program in Lynn experienced more than an 85% increase in demand for service over the ten months starting in September of 1983. By that point, waiting lists had started to develop and further changes in treatment demand became hard to measure.¹⁰

Lynn-area heroin users whose consumption of heroin decreased or ceased as a result of the task force may well have increased their consumption of other drugs, particularly other depressants including synthetic opiates and opioids, barbiturates, and alcohol. These may act as substitutes -- in both the psychological and economic senses of that term -- for heroin. No measurement has been attempted of the extent of that effect.

3. Property and Violent Crime

Perhaps the most surprising result of the Lynn Drug Task Force was its impact on street crimes: specifically, robbery, burglary, and crimes against the person (homicide, forcible rape, and aggravated assault). Comparing the twelve months starting

September, 1983, with the previous twelve months, reported robberies were down 18.5%, reported burglaries were down 37.5%, and reported crimes against the person were down a full 66%.¹¹

In the following twelve months, the reported burglaries remained at their new, lower level, and reported robberies declined still further, to a level 30% below the base year [see Section IV. A., below, for a statistical analysis]. This apparent decrease in crime, if valid (as well as statistically significant) represents a large, and largely unexpected, benefit of the program. Indeed, it makes it seem that cracking down on street-level heroin dealing might be a cost-effective approach to crime control as well as an instrument of drug abuse control policy.

Before deciding that this kind of program would be useful across the country, however, it is necessary to place this experience in a broader context: to identify the full range of effects relevant to the evaluation of street-level drug enforcement programs, to supplement the results from Lynn with reports of less well-documented efforts elsewhere, to consider how some of the effects of such programs come about, and to consider what environmental features of a given site affect the prospects of success. In much of this, we will be guided by inferences from general principles as well as by direct evidence. The aim is therefore not to establish definitively what is true, but to improve our judgment about the probability, conditions, and mechanisms of successful retail heroin crackdowns.

III. EVALUATING STREET-LEVEL HEROIN ENFORCEMENT EFFORTS

The account above of the Lynn efforts suggests the wide range of effects -- beneficial and otherwise -- such activities may have. This section offers a more systematic catalogue of benefits and costs to provide a structure for the evaluation of past efforts and for deciding whether future ones are likely to be justified. We begin with benefits that are directly and immediately produced, proceed to benefits that are more remote, and then address the issue of costs incurred in street-level heroin enforcement.

A. Benefits

1. Neighborhood Conditions

Open drug dealing is bad for the neighborhoods within which it occurs.¹² In addition to the problems of traffic and noise that accompany any street-corner commercial activity, drug dealing poses two special threats: that some neighborhood residents, particularly children, may become users; and that the behavior of buyers and sellers will be disruptive or worse. In poor neighborhoods, the opportunity for quick money offered by the illicit market may compete with entry-level licit jobs and divert labor-market entrants from legitimate careers.¹³ When the drug sold is heroin, residents are likely to be bothered by users "nodding" in doorways and heroin-using prostitutes soliciting, and even carrying on, business in ways that disturb neighbors and passers-by.

Reducing the volume, or at least the flagrancy, of street heroin dealing should therefore be counted as a benefit separate from the reduction in heroin consumption. This benefit can be detected by simple inspection of the area, before and after; by formal or informal surveys of residents; or indirectly through such measures as real estate values.

2. Controlling Heroin Use

The laws against the possession and sale of heroin reflect a social judgment that the use of the drug is pernicious. The ethnographic literature on heroin addicts provides ample support for that view, which appears to be shared by many, if not most, heroin users themselves.¹⁴

In thinking about the effects of street-level enforcement on heroin consumption, it is useful to distinguish the effects on people who are already drug-dependent from the effects on those who are beginning to experiment or thinking about experimenting. The effects, and the mechanisms that produce the effects, will be quite different on the two classes of users, because experienced users are likely to have both more "connections" (sources) and more resourcefulness and determination about "scoring." Even for some experienced users, however, street-level enforcement is likely to reduce consumption. The effect will occur through several mechanisms.

First, in the course of a crackdown, many experienced heroin users will be arrested for sale or possession. Their arrest, and the disposition of their cases, will tend to reduce their

consumption through the familiar mechanisms of specific deterrence, incapacitation, and rehabilitation. Such effects are likely to be particularly strong when the crackdowns are accompanied by urine testing at the time of arrest, and mandated urine screening as a condition of bail, probation or parole.¹⁵

Second, an experienced user who is not arrested may, in the face of increased pressure on the streets, decide that now is a useful time to reduce or abandon heroin use. He may be deterred by the prospect of arrest. He may be inconvenienced by the arrest of his regular "connection" and the difficulty (increased by enforcement) of finding a new one. Or, more likely, the increased daily inconvenience and anxiety of "copping" will cumulate to the extent that "drying out" will appear relatively attractive. The likelihood of addicts' making this choice can be increased, if treatment services are readily available to those heroin users who want it.

The impact of street level heroin enforcement on new users is potentially larger, and over the long run, more significant. It is larger because experimental users are much less committed to using heroin than established addicts, and much less resourceful in "copping." They are also harder for street sellers to distinguish for undercover narcotics officers, and are thus likely to encounter particularly great difficulties when "the heat is on."¹⁶

If street level enforcement raises the average time required to "score" from 5 minutes to 2 hours and forces dealing either

indoors or to more dangerous parts of town, novice users will be more likely than experienced addicts to go without heroin. The same is probably true of the fear of arrest for possession.¹⁷ Effects on the initiation of heroin use or the progress from initiation to regular use are particularly worth achieving, because the result is the elimination of an entire addict career rather than simply shortening one.

With respect to adolescents, parents have the primary responsibility for preventing heroin initiation. Street-level enforcement can help restore their capacity to accomplish that task. All parents, regardless of economic level or ethnicity, are eager to protect their children from the effects of heroin use. As long as the streets are open drug markets, this may require very high levels of parental supervision. If the streets are relatively clear of drug dealing, then parental admonitions against drug use are less likely to be ignored.

There is another potential benefit of street level heroin crackdowns is its potential contribution to the broader, higher-level effort to minimize the supply of drugs through the immobilization of trafficking organizations. Street-level enforcement contributes to this effort whenever it turns up a piece of intelligence that can be used in an ongoing federal investigation or a defendant who would be willing to become an informant. Street-level heroin enforcement may also uncover trafficking organizations and networks that were previously unknown to the higher-level investigators. Because street-level enforcement efforts are not guided by intelligence, but attack

what is right in front of them, they may serve as "early warning networks" for the growth of new trafficking organizations. One should not expect this to happen often. But when it does occur it will be an extremely important contribution to the overall effectiveness of supply reduction efforts.

3. Reducing "Street Crimes"

A third potential benefit of street-level heroin crackdowns is the prevention of property and violent crimes. The impact on these crimes is important in evaluating street-level heroin enforcement for several reasons. First, it is possible that these crimes will increase as a result of street-level drug enforcement, and thus must be counted as a cost of street level enforcement rather than a benefit. If street-level enforcement increases the price of heroin but fails to decrease consumption, addicts will have to steal more. Thus, in the old saw, "the drug squad makes work for the burglary squad." If that anticipated effect does not occur, then one potential cost of street-level enforcement will be eliminated.

Second, the intrinsic importance of these crimes -- particularly in poor communities -- makes any effect on them very important. Small increases (several percent) in levels of robbery and burglary would be sufficiently important to cancel out benefits measured in terms of the elimination of drug markets or the encouragement of drug users to seek treatment. On the other hand, small reductions in levels of robbery and burglary

would constitute an important justification for street level enforcement even if it produced no other benefits.

Third, controlling robbery and burglary is central to the mission of criminal justice agencies. If these crimes increased as a result of heroin crackdowns, police and prosecuting organizations would not be enthusiastic about them even if there were substantial benefits to be gained in the community's sense of order and reduction in drug use.

Fourth, the fact that these effects are relatively easy to measure makes them inexpensive indicators of whether a program is "working." With all their well-known foibles, counts of crimes reported to the police are at least collected month-by-month, and can therefore be manipulated statistically, while other benefit measures are far harder to quantify. Thus, effects on street crimes are an inevitable and important dimension to be used in evaluating street-level enforcement efforts.

B. Costs

The costs of street-level enforcement register in three areas: 1) the direct financial cost of mounting the operations; 2) the value of police resources committed to street level enforcement in alternative uses; and 3) the potential threat to civil liberties associated with more extensive and aggressive street-level enforcement. Moreover, it is important to recognize that these costs register across the criminal justice system -- not simply within the police organizations that initiate the operations.

1. Financial Costs of Street Level Heroin Crackdowns

The direct payroll costs of police employed in heroin crackdowns are not the only financial costs to be considered in evaluating such programs. Benefit packages (including retirement) need to be taken into account. So do "overhead" costs: buildings, vehicles, administration, supervision. At least in the case of Operation Pressure Point I in New York, concerns about the potential for corruption and other misconduct led to a heavier-than-normal ratio of supervisors to patrol officers and line detectives.¹⁸

The other major cost implicit in the establishment of such operations is the need to maintain them over time. This need may be more political than operational, but is nonetheless real. New York Police Commissioner Benjamin Ward reports that Pressure Point I and other street-level anti-narcotics activities generated so much neighborhood support that any attempt to phase them down after once flagrant dealing had declined met with vigorous local resistance.¹⁹ Thus a decision to start a crackdown may involve a long-term resource commitment.

2. Alternative Uses of Enforcement Resources

Police observing heroin sales are not answering calls for service or decoying robbers. Prosecutors trying street sale cases are not trying burglary or prostitution cases. A prison bed filled by a heroin dealer might hold an auto thief instead.

Detectives assigned to a task force directed at retail heroin dealing are not tapping cocaine wholesalers' telephones.

Urban law enforcement is not a world of slack resources. Whatever benefit would have been obtained from the work of the people involved with a retail heroin crackdown, had they been assigned to do something else instead, should be counted as a cost of the crackdown and set against its benefits.

Determining in detail the results of "one more" arrest, conviction, or month of incarceration in various uses is largely beyond the stretch of the available law enforcement literature. The "opportunity cost" of the resources employed in crackdowns cannot, therefore, be measured with any precision. The alternative would be to add resources to the system to carry out crackdowns, and then measure the benefits of the crackdowns against the dollar costs of the new resources. In practice, however, new dollars may not be available.

3. Effects on Other Agency Operations

Crackdowns can have a variety of effects on the other operations of the agencies involved beyond the sheer use of resources.

They can be more or less professionally rewarding and interesting for the personnel involved than alternative assignments, and thus improve or worsen morale. No formal study has been done, but it appears that only a minority of police find retail heroin enforcement a professionally stimulating activity.

Their boredom needs to be counted on the cost side of the ledger. Prosecutors' lack of interest in such cases may be even more marked.

Crackdowns can strengthen or weaken police knowledge of, and relations with, neighborhoods and their citizens. The direction and magnitude of such effects will vary with circumstances and tactics. Prior consultation with local leaders, public relations efforts, and the like may make a difference.

Finally, corruption, corruption scandals, and corruption-control measures need to be considered. These can be enormously expensive in terms of the ability of police forces to execute any of their duties. None of the street-level efforts discussed here has run into corruption problems, and it is difficult in the abstract to judge whether crackdowns are more or less likely to breed corruption than other police activities. Retail crackdowns involve far less long-term undercover work than investigations of high-level dealers. It is such long-term undercover work that has spawned many of the spectacular corruption cases of the past.

4. Enforcement Intrusiveness and Abuse of Authority

In drug cases, as in other cases involving consensual crimes, the absence of complainants complicates enforcement efforts. Drug investigations involve deceit by the police, the extensive use of criminal informants, and close questions about search and seizure. Street enforcement may involve the stopping and questioning of many citizens whom there is no basis to

arrest. The difficulty of making narcotics cases that will stand up in court has even driven some narcotics officers to manufacture evidence and to perjure themselves.

There are two separate questions here: the cost of lawful tactics used in crackdowns in terms of their intrusion into citizens' affairs and the strain they may put on the tolerance of the community for distasteful police tactics, and the temptation they create for unlawful behavior by police. Both must be reckoned as costs of street level enforcement.

III. OTHER STREET-LEVEL CRACKDOWNS

The Lynn Task Force was the first street-level drug crackdown to receive a formal evaluation, but other areas have mounted street-level enforcement efforts. Their experience is instructive.

A. MANHATTAN, LOWER EAST SIDE (Operation Pressure Point I)

If the heroin trade in Lynn in 1983 represented one extreme among drug markets --small, concentrated, isolated -- the trade in Manhattan's "Alphabet City" on the Lower East Side represented the other: big, cosmopolitan, and in a city with thriving drug markets in several other neighborhoods. The Lower East Side was also the site of a major crackdown, an apparent success in terms of its effects on local street dealing, drug use, and crime.

As of January of 1984, the area around 2nd Street and Avenue B was a center of well-organized retail drug dealing. Drug

buyers crowded around sellers; at some locations, they waited in orderly double lines.²⁰ Many stores and apartment buildings in the area were abandoned; drug dealing appeared to have replaced virtually every other economic activity. Among the area's attractions for drug sellers was its division among three police precincts (5th, 7th, and 9th). The three were not even within the same patrol zone. As a result, it was almost impossible to focus enforcement attention on the drug market without creating an organizational unit which could span existing boundaries.

Benjamin Ward, sworn in as Police Commissioner on January 1, 1984, gave priority to an immediate crackdown on drug dealing. Pressure Point I was initially conceived as a sixty-day crash project. It began January 19, 1984, and two years later was still running at very close to its original resource levels. The costs of Pressure Point I, in salary alone, were approximately \$12 million per year for its first two years of operations.²¹

This is about 25 times the size of the Lynn Task Force. New York City as a whole has about 100 times the population of Lynn; the Pressure Point target area housed only a tiny fraction of that, but its customers came from all over the city and northern New Jersey.

In the beginning, Pressure Point I relied on massive numbers of arrests. For the first six weeks, it averaged some 65 arrests per day, of which more than one-third were on felony narcotics charges. Then, as market participants became more wary, the number of arrests fell to fewer than 20 per day, and

felony drug charges became rarer.²² Some of the tactics employed in this program were: "observation sales;" undercover buys; raids on dealing locations; use of an anonymous "Hot Line;" arrests for a wide range of misdemeanors and violations, such as disorderly conduct and loitering; and aggressive traffic and parking enforcement, including towing. Cases where dealers were using juveniles as runners were handled by taking the kids back to their parents and warning that another arrest of the child for drug dealing would result in charges of abuse and neglect against the parents. Vehicles used to transport drugs, including cars driven by drug buyers, were seized and forfeited under Federal drug laws.

Pressure Point I, like the Lynn Task Force, had dramatic effects on drug markets, crime, and neighborhood welfare. Although dealing has not been eliminated, Alphabet City has seen a substantial reduction in heroin street activity, so much so that police officials have been criticized for contributing to the "gentrification" of a previously low-rent area. Lower East Side drug treatment programs, already crowded due to funding cutbacks and increasing fear of AIDS among heroin users, have seen a new influx of clients due to Pressure Point.

Reported crime of many kinds has been drastically reduced in the Pressure Point "Target Area," hardly a surprising result given the sheer volume of police presence in a limited area. Between 1983 and 1984, robberies fell 47%, burglaries 37%, grand larcenies 32%, and homicides 62% (13 as against 34). The parts

of the three precincts outside the target area also showed decreases in crime; crime in the contiguous precincts was unchanged.²³

One possible result of a local drug crackdown is to create a new market just outside the area of heavy enforcement, "displacing" the market from one street corner to another. No such market arose near the Pressure Point I target area. There were, however, reports of dealers and users relocating to other, already established drug markets within the city; there are several in Manhattan and in nearby parts of Brooklyn. Whether the displaced activity was a large fraction of the previous Lower East Side trade is unknown.

By the same token, the fact that street crime did not rise in the areas around Pressure Point does not conclusively demonstrate that it was not displaced elsewhere in the city. A serious investigation of this question would require a careful study of individual-level criminal-history files; otherwise, it is virtually impossible to tell whether some persons who had been committing crimes in the Pressure Point area before the crackdown began committing them elsewhere later. There were no obvious crime "bulges" in other areas, but there is no way to know what crime rates would have been in other drug-dealing areas in the absence of the Pressure Point operation.

Pressure Point I, then, clearly improved local conditions, but its effects elsewhere, both in terms of displacing drug use and crime and in terms of crowding out other police and court activity, are open to question.

B. LAWRENCE, MASSACHUSETTS

The Lynn experience demonstrates the possible success of street-level drug enforcement in controlling other crimes. Lawrence demonstrates its possible failure. After the first nine months of the Lynn operation, the state police assigned to Lynn were moved slowly to Lawrence. The Lawrence Task Force appeared to succeed in suppressing heroin dealing in the one housing project where it had been most flagrant, and drug users interviewed reported finding heroin somewhat harder to buy in Lawrence after the crackdown started.²⁴ However, overall traffic did not seem to shrink nearly as much in Lawrence as it had in Lynn or on the Lower East Side. In addition, the city of Lowell, a few miles away but across the county line, remained largely wide-open for heroin dealing, thus giving Lawrence heroin users an alternate source of supply.

The results in terms of personal and property crimes were discouraging. While crime against the person in the 28 months after the inception of the task force were down 37% compared to previous rates, robberies, burglaries, and larcenies all increased noticeably (albeit not to a statistically significant degree). [See Table 1.]

Police involved with both the Lynn and Lawrence operations cited several differences to explain the apparent failure of the Lawrence Task Force to reduce property crimes: a larger and more geographically dispersed heroin market; less vigorous support

from citizens, community institutions, and local police; diversion of police attention to Lawrence's flourishing wholesale cocaine trade; tactical decisions that put less emphasis on observation sale arrests and more emphasis on search warrants; and the presence of the Lowell markets.²⁵

C. OTHER INSTANCES

Norfolk (Virginia), Seattle (Washington), and Sydney (New South Wales) have reportedly succeeded in reducing drug dealing and other crime by cracking down on concentrated areas of street level drug dealing. On the other hand, Philadelphia's "Operation Cold Turkey" was, by all accounts, a disaster. Instead of concentrating resources on one or a few areas with major dealing problems, Cold Turkey chose two "drug corners" from each of the city's 23 police precincts. Of the 1000 persons stopped and searched by Cold Turkey's 450 officers over four days, only 80 were arrested on narcotics charges, and 150 more for disorderly conduct. Public protest and a lawsuit brought the operation to an effective end after four days, with no measurable result except for citizen hostility. Washington (D.C.) has substantially increased its efforts against retail drug-dealing (not just heroin dealing) in a variety of forms, apparently without effect on common crimes. Miami (Florida) has also reportedly mounted a program of enhanced street-level drug enforcement; its effects on crime are unknown. In addition, six cities have received discretionary funds from the Bureau of Justice Assistance for street-level drug enforcement; their programs are still too young to evaluate.²⁶

IV. POSSIBLE EXPLANATIONS FOR DECREASES IN CRIME

No elaborate theory is required to explain the observation that enhanced street-level drug enforcement makes drug harder to buy, reduces disorder, and improves conditions for residents and merchants in its immediate area. It takes a little more sophistication to analyze and measure the effects on levels of drug use. But the hardest results to understand from both Lynn and Pressure Point are the dramatic decreases in reported non-drug crimes. This section will review several mechanisms that might link crime decreases with street-level drug crackdowns--some implying real social benefits and some not--and examine the evidence from Lynn and elsewhere that might help distinguish valid explanations from invalid ones.

A. Statistical Artifact

The simplest way to explain the Lynn results is to deny that any real effect occurred. Measurement might have been flawed, or a real decrease might be attributable to something other than the program. Any intervention that starts after a period of more-than-usual problems starts with a favorable basis for comparison; if conditions simply return to normal on their own, the intervention will appear to be affective. This phenomenon--"regression to the mean"--is a familiar trap for evaluators.

Table 2 is a comparison of mean monthly reported crimes in Lynn before and after the inception of the Task Force. Robberies

declined by 28%, burglaries by 36%, and crimes against the person by 75%. Figures 1, 2, and 3 display the same information graphically; the black horizontal lines through the middle of the graphs represent the means for the entire period (pre- and post-intervention); the vertical slashed lines represent the start of Task Force operations.

A time-series analysis designed to detect both seasonal effects and regression toward the mean confirmed that the intervention was significant (the null hypothesis, that the post-intervention model was the same as the pre-intervention model was rejected at the .01 level) for all three crime categories.

To control statistically for the effects of broader social and economic changes effecting Massachusetts communities generally, Lynn crimes in each category were computed as a percentage of all crimes in that category for Massachusetts cities of comparable size. For burglary, the Lynn-to-Massachusetts ratio fell by 13% after the inception of the Task Force. The ratio for robbery fell 25.1%. The ratio for crimes against the person fell by 77%. All three changes were statistically significant at the .01 level.²⁷

Thus the rate of burglaries, robberies, and crimes against the person fell by larger amounts than can be explained by chance, by seasonality, by regression toward the mean, or by variations elsewhere. The effect of the Lynn Task Force on reported crimes in Lynn appears to be real.

B. Displacement

The drop in crime rates in Lynn was not a result of crime moving out of Lynn and into the surrounding area. Mean monthly reports of crimes against the person in surrounding cities went up slightly but insignificantly after street level enforcement began. Mean monthly reports of robberies and burglaries in surrounding cities actually declined significantly, though not nearly as precipitously as in Lynn. Mean monthly reports of larcenies declined, but not significantly. [See Table 3]

C. Decreased Crime Due to Decreased Heroin Consumption

To unsophisticated eyes, the Lynn crime results are utterly unsurprising. After all, "everybody knows" that drug use causes crime. What could be more natural than the finding that enforcement designed to decrease drug use decreases property and violent crime as well?

On reflection, however, the second proposition does not appear to immediately follow from the first. That heroin users are over-represented among offenders²⁸, that heroin-using offenders tend to have higher offense rates than other offenders²⁹ and that heroin-using offenders' crimes are concentrated into periods also characterized by heavy heroin use³⁰ -- all of this does not directly imply that interventions in the heroin market will suppress common crime. Indeed, insofar as the heroin crime-link is forged by heroin users' need for money to buy drugs³¹, and insofar as enforcement, by imposing

costs on heroin dealers, tends to increase the price of the drug, enforcement could plausibly lead to increases in property crime.

To illustrate this point, consider an hypothetical example. heroin user who injects 10 milligrams (pure) per day, about 2 street bags, and pays the national average retail price of \$2.50 per pure milligram, spends \$25 per day on heroin. If improved enforcement caused a price increase to \$3 per pure milligram (which might take the form of a decrease in purity from 5% to 4%) and if that user maintained a 20-milligram-per-day consumption level, the result would be an increase in daily heroin spending from \$25 to \$30, an increase that might be reflected in increased property-crime activity.

Of course, not all users would maintain previous consumption levels in the face of a price increase. Some would cut back on their heroin consumption; some might quit altogether. Depending on users' responses, a price increase for heroin might lead to an increase or a decrease in money spent on the drug. The one empirical study addressing this question suggests that increasing heroin prices tend to generate increases in property crime, but the question is far from settled.³²

But money price fails to tell the whole story. Buying heroin is not like buying cigarettes. Finding a willing and reliable seller may be a substantial problem for a would-be heroin buyer, requiring not only cash but also connections, skill and time. It is as if there were two distinct prices to be paid for heroin, one in money and the other in time, risk and aggravation.³³

Enforcement can increase both kinds of price. Either having to spend more money or having to endure more hassle in order to acquire heroin may cause some users to reduce their drug consumption. The relative effectiveness of longer search time versus higher money price in discouraging heroin use is a matter of conjecture.

The money-price of heroin depends largely on the risks faced by high-level drug dealers. If enforcement can increase those risks, the price will rise and some users will refuse to pay it. The non-money price of heroin depends on how many street dealers there are, who they are, where they are, and how aggressively they look for new customers. If street-level enforcement can shrink their numbers, restrict their location, and make them more cautious, it can influence drug consumption even if the money price of heroin remains unchanged.

Street-level drug enforcement does not have as its primary effect an increase in heroin prices. Indeed, it may not increase the cost of a bag of heroin at all.³⁴ Rather, it may increase the time, inconvenience, and risk involved in making retail heroin purchases, and do so in a way with an unambiguously beneficial effect on crime rates. If consumption falls as a result, while money price does not rise, the total number of dollars spent on heroin must decrease.

This analysis helps make sense of the Lynn and Pressure Point results. If street-level heroin enforcement can increase

the difficulty of buying heroin at retail, we should expect it to decrease the number of income-producing crimes.

D. Incapacitation of High-Rate Offenders

Heroin dealers and heroin users include many very active property offenders. Their arrest and incarceration as a result of street-level drug enforcement will thus have a direct effect on property crime. For this purpose, the precise nature of the relation between drug use and crime is irrelevant; the simple correlation between heroin use and heroin dealing on the one hand and property and violent offenses on the other means that drug enforcement arrestees are likely to be worth incapacitating from the viewpoint of property crime control. The value of locking them up will be the same whether they are arrested on drug charges or picked up on outstanding warrants due to the concentration of police in drug-buying areas.

Given the extremely high crime rates characteristic of some heroin users, the incarceration of relatively small numbers of them might be responsible for substantial changes in crime rates in a city such as Lynn. A detailed analysis of individual-level criminal histories might help illuminate the extent to which this effect was at work in Lynn and the Lower East Side.

E. Disruption of Stolen-Goods Markets

Some drug dealers also act as fences, bartering heroin for stolen property. Police believe this to have been the case in Lynn.³⁵ Where dealers are also fences, drug enforcement can help

disrupt the stolen goods markets as well as the drug markets. It seems plausible that making stolen goods harder to sell might make theft less attractive, but there is little empirical work about any such effect.

F. Dispersal of Concentrations of Predators and Victims

Both the decrease in heroin expenditures and the disruption of stolen goods markets help to explain the decreases in income-producing crimes. But how should we understand the apparent effectiveness of crackdowns in Lynn, Lower Manhattan, and Lawrence in reducing the frequency of homicides, rapes, and aggravated assaults? A plausible explanation would be that street drug markets involve concentrations of both likely aggressors and attractive victims: attractive both because they have money and drugs worth stealing and because they are less likely than average to complain to the police. In addition, business disputes among drug dealers and between drug dealers and drug customers may result in violence rather than litigation. Breaking up the drug market disperses potential victims and offenders, making it less likely that they will come into contact with one another. Reducing the frequency of drug transactions reduces the frequency of disputes about them that may lead to violence.

G. Perceived Police Presence

If property criminals tend to steal less when they think that risks from police are high, and if they tend to spend much of their time in drug-dealing areas, then the concentration of police in those areas for street level drug enforcement may have a useful "advertising" effect. An increase in police presence where property criminals hang out may convince some of them to cut back on their property crime activity by giving them the (probably incorrect) impression that the risks of arrest for theft have gone up. While it seems reasonable to expect that any such effect would be temporary, very little is known about how criminals evaluate risks.

H. Reduced Tolerance of Disorder

The "Broken Windows" hypothesis³⁶ asserts that tolerance by the police and citizens of low-level lawbreaking in a given area gives a signal to potential criminals that the area is open to the commission of more serious crimes. When there are clear signs that such tolerance has come to an end, it can be expected that the new perception of order will spread to affect other, more serious types of crime. Open street drug dealing may create such a "Broken Windows" effect; if so, breaking up such markets will reduce the frequency of serious crimes nearby.

V. CRACKDOWNS VS. THE OVERALL INTENSITY OF RETAIL ENFORCEMENT

While it makes sense that street-level enforcement should tend to reduce the frequency of property crimes, there is no reason to believe that small increases or decreases in such enforcement have large effects on crime rates. Nor has anyone demonstrated statistically a consistent relationship between, for example, narcotics arrests and reported burglary rates. Therefore, the mere fact of street-level arrests and prosecutions is not sufficient to explain the Lynn results. Moreover, the difference between the effects of increased street-level enforcement in Lynn and its effects in Lawrence are inconsistent with the idea that a little street-level enforcement is good for reducing burglaries, and a little more is a little better. Something seems to have happened in Lynn that simply did not happen in Lawrence.

It is possible to frame a theory to account both for the dramatic success of the Lynn effort and the failure in Lawrence, though careful evaluations of many more cases would be required to define how closely the theory fits the facts. The basic idea is that concentration (geographically and by drug type) and persistence of street-level drug enforcement efforts can create results fundamentally different from those achieved by more sporadic and unfocused efforts.³⁷

It seems plausible that the risk of apprehension for any one drug buyer or drug seller should increase with the number of officers assigned to drug enforcement and decrease with the

number of other buyers and sellers, simply because police can't pay attention to everybody at once. When buyers and sellers congregate in large numbers, they tend to "screen" each other by "swamping" police attention.

A small increase in street-level enforcement activity will have little effect on the number of buyers or sellers. But a large increase may have a substantial effect. Some will be in jail. Others, facing charges, will worry about the consequences of rearrest while on bail. Still others will want to lie low until street conditions return to "normal."

If conditions do return to the previous norm at the end of a short burst of increased enforcement activity, buyers and sellers will return to the market and things will be much as they were before. However, if a level of enforcement activity great enough to cause the market to shrink temporarily is maintained, then the arithmetic of cops and robbers has moved in a way unfavorable to the continued operation of the market. If increased enforcement shrinks the market, each remaining market participant will face two sources of increased risk: more police, and fewer drug buyers and sellers. The risk of apprehension will increase again as the number of dealers decreases, leaving more police per transaction.

Thus an enforcement effort large enough to start a general shrinkage of the market may, if it is maintained, start to feed on its own success; by starting a trend towards greater and greater risk and effort per transaction. If this account is

correct, then a concentrated, persistent street-level crackdown represents a different strategy from the business-as-usual of local drug enforcement.

VI. THE COST SIDE: SYSTEM IMPACTS AND CIVIL LIBERTIES

A. Resources and System Impacts

The successful crackdown efforts we have discussed here all involved re-allocations of law enforcement resources from other programs. Crackdowns make inroads into the prosecutors, court time, jail space, and police forces available for a community's other law enforcement needs.³⁸

Furthermore, once a crackdown gets started, it may be politically hard to stop. As in the case of Operation Pressure Point, it is likely that neighborhood demand will place considerable political pressure on local officials to continue a program at full strength, well beyond the persistence required to make a crackdown work.

This may be considered a compliment to the local effectiveness of such programs, and an important aspect of good public relations. However, it may also present a resource allocation problem, when resources used for the crackdown are taken away from other parts of the law enforcement system, and a morale problem, when officers assigned to arrest street-level drug dealers find that there are fewer and fewer such persons to arrest.

The flood of narcotics cases arising out of Operation Pressure Point clearly tended to "crowd out" other narcotics cases in Manhattan; the overall number of narcotics felony convictions borough-wide in Pressure Point's first year was virtually unchanged from the year before. The cases foregone need to be counted as costs of the program; the same is true for impacts on jails and prisons. A comprehensive evaluation of drug crackdowns would require not only a measurement of their effects, but an estimate of the effects of the other activities displaced by them.

B. Intrusiveness and Abuses of Authority

The Philadelphia experience shows that street-level enforcement efforts can be designed and executed in ways that create unnecessary intrusion into citizens' rights to go about their lawful business. Some of the tactics used in Operation Pressure Point I, in particular the large number of "Disorderly Conduct" arrests, may be close to the line, though it is worth considering the scarcity of lawful business for people to go about in the pre-crackdown Pressure Point area.

The history of retail-level drug enforcement in New York in the late 1960's, and in particular the notorious "dropsie" cases (where some police apparently routinely perjured themselves to conceal their equally routine use of unwarranted personal searches of drug dealers) illustrates the risks that retail-level drug enforcement can lead to abuses of authority. The potential for financial corruption needs no comment.

The absence of any corruption or abuse scandals arising out of the Lynn, Lawrence, and Pressure Point I operations is reassuring to some extent. However, it should be noted both that the efforts are still relatively new, and that the Pressure Point staffing plan called for very heavy use of sergeants and lieutenants specifically to minimize the possibility of misconduct.

VII. OPEN QUESTIONS

A. Key Ratios and How They Vary Across Circumstances

If concentration and persistence make the difference between low-impact routine heroin enforcement operations and high-impact crackdowns, the most important question facing a local decision-maker becomes: how much is enough? Given the characteristics of a drug market, how many officers, working for how long, will be required to make it collapse?

That may depend on many factors: number of users, number of dealers, number of transactions, whether current transactions are indoor or outdoor, the geographic area, ethnic diversity, climate, the level of neighborhood cooperation, and the performance of prosecutors, courts, and probation, parole, and corrections agencies. One, necessarily crude, way to think about the problem is to imagine that there is some baseline critical ratio of police to the number of users a market supports above which the market will start to contract. The actual critical ratio in a real situation may be higher or lower than the

baseline, depending on geography, ethnicity, and other similar factors that would vary with the other factors cited. The Lynn and Pressure Point operations appear to have involved about one officer for every 75 users; Lawrence, allowing for the police time spent on cocaine wholesaling operations, had about one officer for each 150 users. It is too early to say that the difference in ratios was the difference between success and failure.

B. Displacement Within Big Cities

As noted above, there is no evidence that the Lynn project displaced significant amounts of either drug dealing or crime, but the evidence about Pressure Point I is far less clear. The value of heroin-market crackdowns as crime control in big cities is therefore still to be shown. That showing would require a city-wide crackdown somewhere, probably involving the diversion of officers from patrol functions into street-level drug enforcement.

VIII. CONCLUSION

It is possible to say with confidence, based upon the Lynn results, that street level heroin crackdowns, under some circumstances, produce great benefits at modest costs. It is even possible to give an account of why that should be true. It is not yet possible to measure all of the costs of such activities in the form of other criminal-justice activities not undertaken, morale, intrusiveness, abuse, and corruption (though it is reasonably clear that in Lynn even a full cost accounting

would still leave a healthy surplus of benefits). More seriously, it is not yet possible to define under what circumstances retail heroin crackdowns will prove to be such low-cost, high-benefit ventures.

But an argument can be made for trying a crackdown wherever a large retail heroin market exists. The Lynn and Manhattan results suggest that the traditional ascription of a large fraction of violent and property crime to heroin can, under some circumstances, be translated into effective action. Moreover, the risks involved are limited by two factors. First, if a crackdown fails to decrease property and violent crime, that may not distinguish it from the other activities it displaces. The criminal-justice evaluation literature is rich in negative results.³⁹ Second, drug crackdowns are not long-term investments; the anti-crime effects of the two successful programs studied so far -- Lynn and Pressure Point I -- became apparent within a few months. Where the potential gains are large and the risks limited, "try it and see" may be a more useful guide to action than any elaborate calculation.

TABLE TWO
COMPARISON OF MONTHLY CRIMES BEFORE AND AFTER
INTERVENTION IN LYNN FOR LYNN

Crime	Before Intervention			After Intervention			Difference Significant At $p=.01$
	Mean	St. Dev.	Months	Mean	St. Dev.	Months	
Against The Person	88.6	21.1	44	22.2	21.7	28	YES
Robbery	21.8	6.1	44	16.4	6.5	28	YES
Burglary	255.6	45.7	44	164.6	39.0	28	YES
Larceny	215.7	54.2	44	207.1	26.8	28	NO

TABLE THREE
COMPARISON OF MONTHLY CRIMES BEFORE AND AFTER
INTERVENTION IN LYNN FOR LYNN AREA

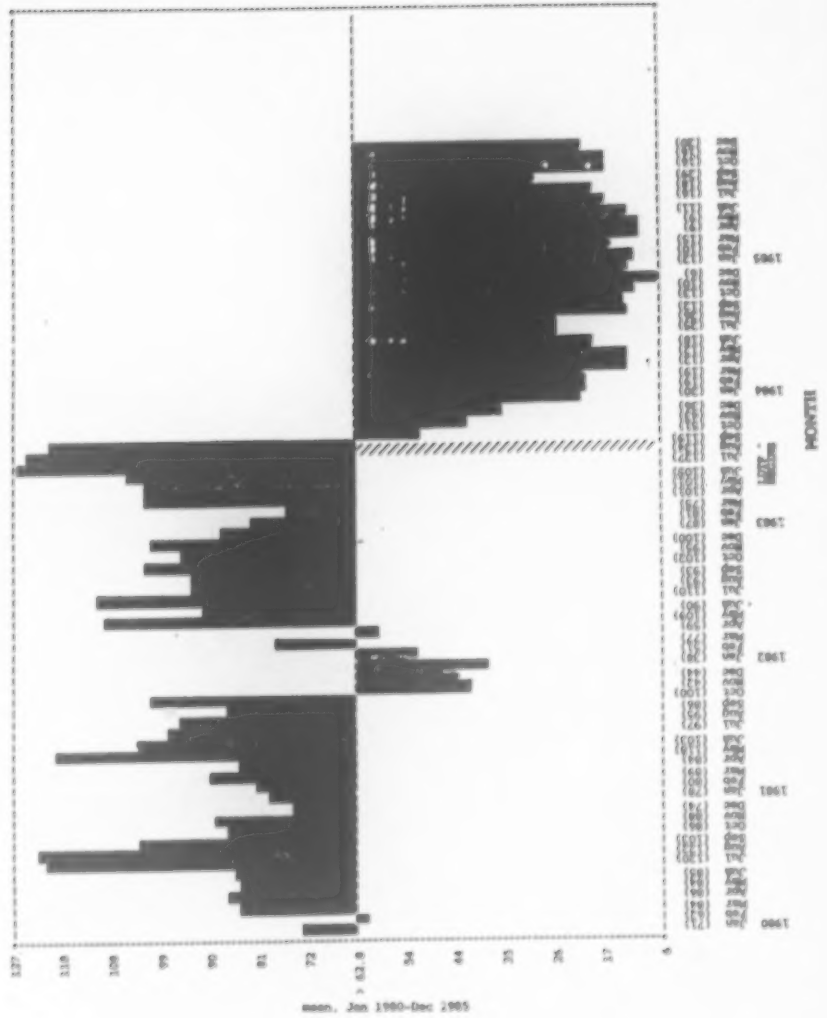
Crime	Before Intervention			After Intervention			Difference Significant At $p=.01$
	Mean	St. Dev.	Months	Mean	St. Dev.	Months	
Against The Person	31.5	13.0	44	34.0	11.9	28	NO
Robbery	16.0	4.3	44	12.4	4.0	28	YES
Burglary	236.9	34.6	44	207.4	35.9	28	YES
Larceny	338.9	74.9	44	308.1	43.1	26	NO

TABLE FOUR

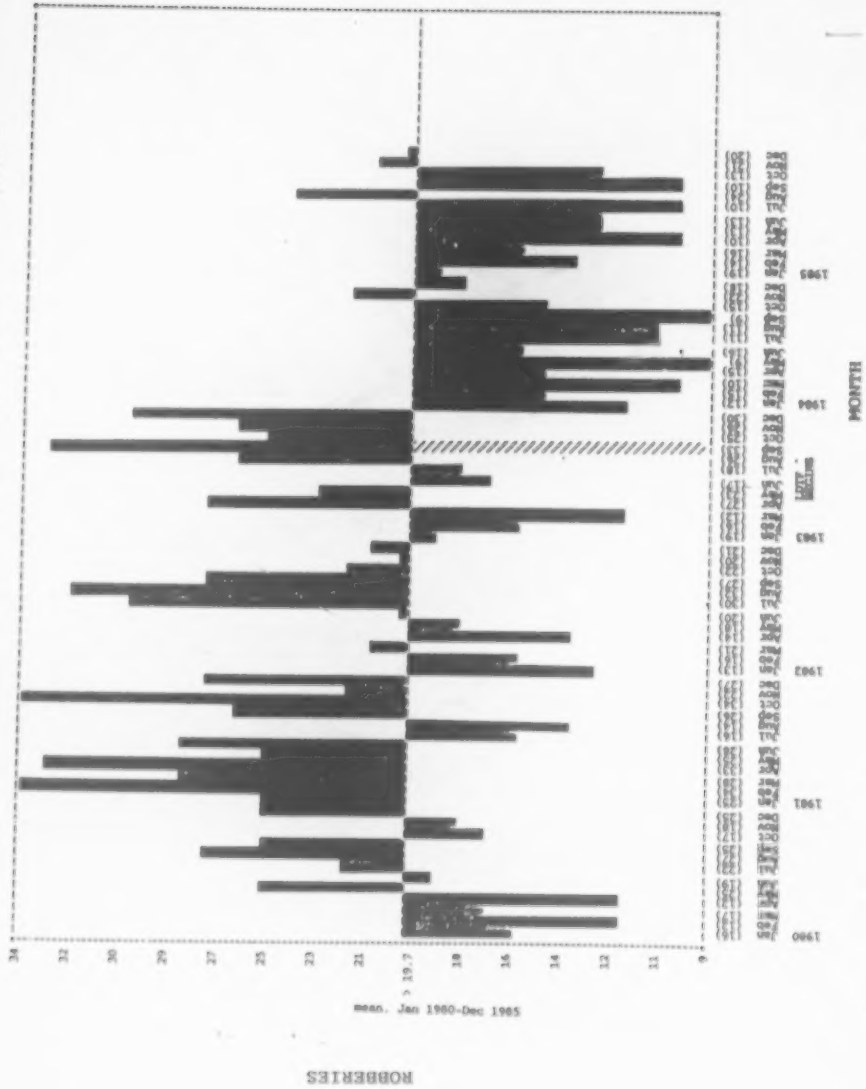
CRIMES IN LYNN AS A PROPORTION OF CRIMES IN
ALL MASSACHUSETTS CITIES:
BEFORE AND AFTER THE INTERVENTION

Crime	<u>Before Intervention</u>			<u>After Intervention</u>			Difference Significant At $p=.01$
	<u>Mean</u>	<u>Standard Deviation</u>	<u>Months</u>	<u>Mean</u>	<u>Standard Deviation</u>	<u>Months</u>	
Against The Person	.2227	.0415	44	.0501	.0392	28	YES
Robbery	.1724	.0537	44	.1291	.0422	28	YES
Burglary	.1671	.0281	44	.1454	.0294	28	YES

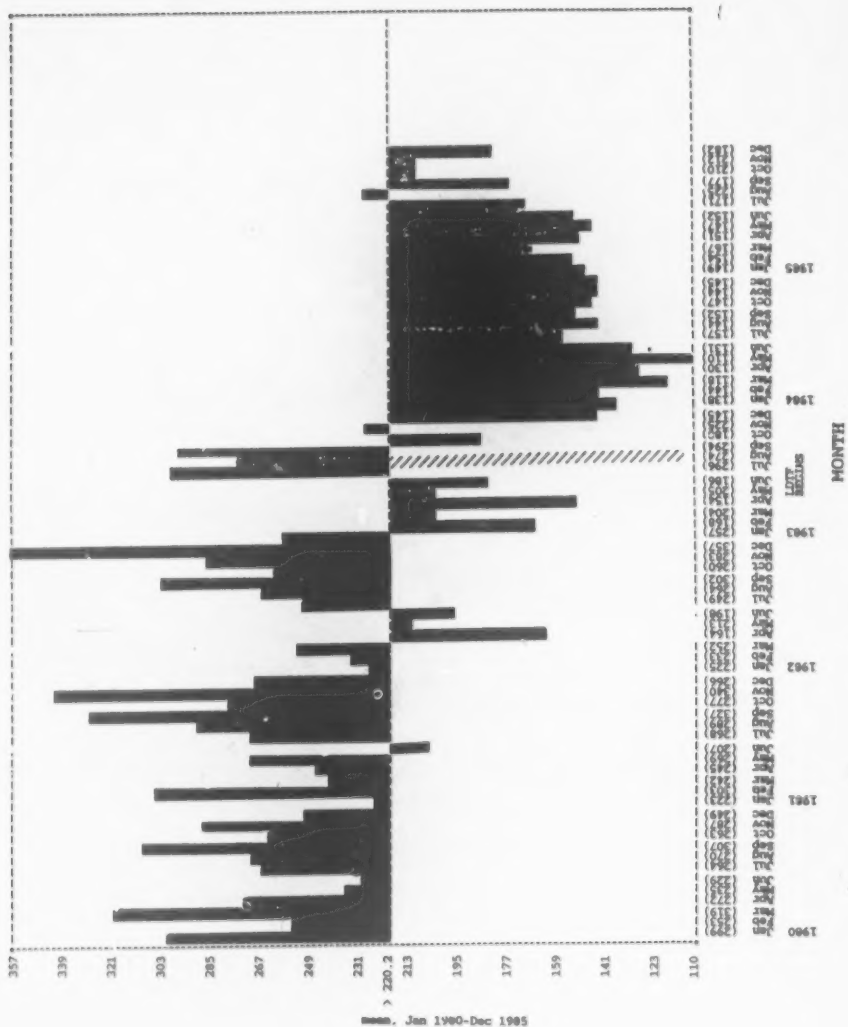
CRIMES AGAINST THE PERSON IN LYNN: 1980 - 1985



ROBBERIES IN LYNN: 1980 - 1985



BURGLARIES IN LYNN: 1980 - 1985



BURGLARIES

Notes

1. See Moore, Mark H., "Limiting Supplies of Drugs to Illicit Markets," Journal of Drug Issues, Spring, 1979; Moore, Mark H. Buy and Bust: The Effective Regulation of an Illicit Market in Heroin. Lexington, MA: D.C. Heath Co., 1976, p. 248.
2. Inciardi, James A., Exploring the Drugs/Crime Connection," unpublished paper, Division of Criminal Justice, University of Delaware, 1987.
3. Kleiman, Mark and Christopher Putala, "State and Local Drug Law Enforcement: Issues and Practices," Working Paper Series, no. 87-01-06, Program in Criminal Justice Policy and Management, John F. Kennedy School of Government, Harvard University, Cambridge, MA, 1987; Dupont, Robert L. and Mark H. Greene, "The Dynamics of a Heroin Addiction Epidemic," Science, August, 1973, p. 715.
4. Kaplan, John, The Hardest Drug: Heroin and Public Policy. Chicago, IL: The University of Chicago Press, 1983.
5. Kevin Burke interview, August 1984.
6. Kleiman, Mark, William Holland and Christopher Hayes, "Report to the District Attorney of Essex County: Evaluation of the Lynn Drug Task Force," Working Paper Series, no. 87-01-03, Program in Criminal Justice Policy and Management, John F. Kennedy School of Government, Harvard University, Cambridge, MA, 1987, p. 5.
7. Ibid., p. 11. Three years later, the same survey instrument was administered to residents of Lynn, of Lawrence, which at the time was the focus of a drug crackdown concentrated on "indoor" dealing, and in a "control" city which had experienced no extraordinary drug enforcement activity. In each case, respondents were about equally divided between "better" and "worse."
8. Treatment professionals' views: Interviews conducted by William E. Holland with treatment workers at Project COPE, Lynn, Mass., August, 1984.
9. Interviews conducted by Christopher Putala with heroin addicts, September 1986 through August 1987. Reports on those interviews will be included in a report to be submitted to the National Institute of Justice by the District Attorney under a grant to evaluate the Lynn and Lawrence efforts.
10. Kleiman, Holland and Hayes, p. 8 and Figure 1. The comparison is between the Project CCPE unit in Lynn and units of the same organization elsewhere in the state. Treatment-demand figures for Massachusetts as a whole do not appear to be available.

11. Ibid., p. 8, Table 2, and Figures 2 and 3. See also Cavanaugh, David, "Effects of Drug Task Forces in Lynn and Lawrence on Common Crimes Reported to the Police," Providence, Rhode Island: Applied Social Research, 1987. "Crimes against the person" were lumped together because homicides and rapes were too as to make monthly measurements meaningful.
12. Two reports by Peter Kerr in the New York Times ("A Portrait of Washington Square Park: Inside a Drug Bazaar," 12 January 1987, B1:2, and "Crushing the Drug Dealers of Washington Square," 9 November 1987, A1:3) give an account of the impact of open marijuana and cocaine dealing on the neighborhood around Washington Square Park in Lower Manhattan, and of the effectiveness of concentrated enforcement in dispersing the market and improving neighborhood conditions. Apparently, neither the possible effect of the market on drug use by residents nor its connection with property and violent crime was a salient issue for the neighbors; they seemed to regard the market as a neighborhood disamenity, like a garbage dump or a noisy bar.
13. Ferguson, Ronald, "The Drug Problem in Black Communities," Working Paper Series, no. 87-01-01, Program in Criminal Justice Policy and Management, John F. Kennedy School of Government, Harvard University, Cambridge, MA, 1987, p. 9.
14. Baridon, Philip, Addiction, Crime, and Social Policy. Lexington, MA: Lexington Books, 1976. See also Bruce D. Johnson et al, Taking Care of Business: The Economics of Crime by Heroin Abusers. Lexington, MA: Lexington Books, 1985.
15. Carver, John. "Drugs and Crime: Controlling use and reducing risk through testing." In NIJ Reports, SNI 199, Washington, DC: National Institute of Justice, September/October 1986. Carver discusses a program in Washington, DC set up to test the hypothesis that close monitoring of a defendant's drug use coupled with quick sanctions for violators would deter drug use and reduce criminal activity.
16. Moore, Mark H. Policies to Achieve Discrimination in the Effective Price of Heroin," American Economic Review, May 1973, p. 926.
17. For a discussion of arrests for use offenses as deterrents, see Kaplan, John, The Hardest Drug: Heroin and Public Policy. Chicago, IL: The University of Chicago Press, 1983, chapter 5.
18. Interview with New York City Assistant Chief Arthur J. McNevin, conducted by Mark Kleiman, September 15, 1986.
19. Interview with New York City Police Commissioner Benjamin Ward, September 12, 1987.

20. New York Police Department video tape: Interview with Lieutenant Phillip McGuire, New York City Police Department, September 15, 1986
21. New York Police Department internal documents; interview with McGuire, September 15, 1986.
22. McNevin, Arthur J., "Status Report - 6 Weeks" (internal New York Police Department memorandum), March 1, 1984 (PBMS #0010-9); McNevin, "1984 Status Report" (internal New York Police Department memorandum), January 4, 1988 (PBMS #0010-28).
23. Pressure Point Area Figures from McNevin, "1984 Status Report;" other figures from New York City Police Department Crime Analysis Unit, "Complaints and Arrests", monthly statistical report, 1985. There is a somewhat more detailed description of Pressure Point I in Kleiman, "Bringing Back Street-Level Heroin Enforcement, Working Papers Series, no. 86-01-08, Program in Criminal Justice Policy and Management, John F. Kennedy School of Government, Harvard University, Cambridge, Massachusetts, 1986. See also the discussion of Pressure Point operations and results in L. Zimmer, "Operation Pressure Point: The Disruption of Street-Level Drug Trade on New York's Lower East Side," Occasional Papers from The Center for Research in Crime and Justice, New York University School of Law, New York, 1987.
24. Interviews with addicts, conducted by Christopher Putala, September 1986 through August 1987.
25. Interviews with Lawrence Police, conducted by Christopher Putala.
26. Norfolk: reported verbally by William Spelman, Police Executive Research Forum. Sydney: reported verbally by Inspector Christine Nixon, N.S.W. Police. Seattle: reported verbally by Ricardo Martinez, Special Deputy Prosecuting Attorney, King County. Philadelphia: newspaper accounts, not-for-attribution verbal reports of a ranking Philadelphia P.D. official. Washington (D.C.): unpublished reports by the Rand Corporation. As of this writing, no published evaluations exist of any of these efforts.
27. This analysis is recounted in detail in Cavanagh, David, "Effects of Drug Task Forces in Lynn and Lawrence on Common Crimes Reported to the Police," Providence, Rhode Island: Applied Social Research, 1987.
28. Wish, Eric, Elizabeth Brady and Mary Cuadrado, "Drug Use and Crime in Arrestees in Manhattan," a paper presented to a meeting of The Committee on Problems of Drug Dependence, June 1985.
29. Chaiken, Jan and Marcia Chaiken, Varieties of Criminal Behavior. Santa Monica, CA: Rand Corporation, 1982.

30. Anglin, M. Douglas, and George Stenkert, "Narcotics use and Crime: a Multi-Sample Multi-Method Analysis," Criminology, Spring 1988 (forthcoming). See also Stenkert, George, and M. Douglas Anglin, "Narcotics Use and Crime: A Causal Modeling Approach," Journal of Quantitative Criminology, 2:3-28, 1986. See also Ball, J.C., L. Rosen, J.A. Flueck and D.N. Nurco, "The Criminality of Heroin Addicts: When Addicted and When off Opiates," pp 39-65 in J.A. Inciardi (ed.) The Drug Crime Connection, Beverly Hills, CA: Sage, 1981
31. Johnson, Bruce D., "Street-Level Heroin Markets: The Coping Behavior of Addicts," in Paul Goldstein, Edward Preble, James Schmeidler, Douglas S. Lipton, Barry Spunt, and Thomas Miller, Taking Care of Business: The Economics of Crime by Heroin Abusers. Lexington, MA: Lexington Books, 1985.
32. Brown, George F. and Lester P. Silverman, "The Retail Price of Heroin: Estimation and Applications," Journal of the American Statistical Association, September 1974.
33. Moore, Mark H. Policies to Achieve Discrimination in the Effective Price of Heroin," p. 926.
34. Reuter and Kleiman, "Risks and Prices," pp. 328-329.
35. Kleiman, Holland and Hayes, p. 4.
36. Kelling, George and James Wilson, "Broken Windows: The Police and Neighborhood Safety," The Atlantic Monthly, March 1982, p. 31: "Social psychologists and police officers tend to agree that if a window in a building is broken and left unrepaired, all the rest of the windows will soon be broken." One unrepaired broken window signals that no one cares and will perpetuate neighborhood decay and minor infractions of the law.
37. Reuter and Kleiman, "Risks and Prices," p. 330.
38. For a dramatic account of the response of New York City's prosecutors, courts, and corrections facilities to a flood of drug arrests, see Press, Aric, "Piecing Together New York's Criminal Justice System: the Response to Crack," Association of the Bar of the City of New York, 4 December 1987. See also Belenko, Steve and Jeffrey Fagan, "Crack and the Criminal Justice System," New York City: New York City Criminal Justice Agency, November 1987.
39. Kelling, G.L., T. Pate, D. Dieckman and C.E. Brown, "The Kansas City Preventive Patrol Experiment: a summary report," pp 605 - 637 in G.V. Glass (ed.) Evaluation Studies Review Annual, Volume 1, Beverly Hills, CA: Sage, 1976.

BIBLIOGRAPHY

- Anglin, M. Douglas, and George Stenkert, "Narcotics use and Crime: a Multi-Sample Multi-Method Analysis," Criminology, Spring 1988 (forthcoming).
- Ball, J.C. , L. Rosen, J.A. Flueck and D.N. Nurco, "The Criminality of Heroin Addicts: When Addicted and When Off Opiates," pp 39-65 in J.A. Inciardi (ed.), The Drugs-Crim Connection, Beverly Hills, CA: Sage, 1981.
- Baridon, Philip, Addiction, Crime, and Social Policy. Lexington, MA: Lexington Books, 1976.
- Belenko, Steve and Jeffrey Fagan, "Crack and the Criminal Justice System," New York City: New York City Criminal Justice Agency, November 1987.
- Belenko, Steven, "Lower East Side Narcotics Arrests, August 1982: Court Outcomes and Rearrests." New York: New York City Criminal Justice Agency, Research Department, 1984.
- Brown, George F., and Lester P. Silverman, "The Retail Price of Heroin: Estimation and Applications," Journal of the American Statistical Association, September, 1974.
- Bureau of Justice Statistics, "Prisoners and Drugs," Bulletin. Washington, D.C.: U.S. Department of Justice, 1983.
- Bureau of Justice Statistics, Sourcebook of Criminal Justice Statistics--1986, Washington, D.C.: U.S. Department of Justice, 1987.
- Carver, John. "Drugs and Crime: Controlling use and reducing risk through testing." In NIJ Reports, SNI 199, Washington, DC: National Institute of Justice, September/ October 1986.
- Cavanagh, David, "Effects of Drug Task Forces in Lynn and Lawrence on Common Crimes Reported to the Police" Providence, Rhode Island: Applied Social Research, 1987.
- Chaiken, Jan, and Marcia Chaiken, Varieties of Criminal Behavior. Santa Monica, CA: Rand Corporation, 1982.
- Ferguson, Ronald, "The Drug Problem in Black Communities", working paper, Harvard University Program in Criminal Justice, 1987
- Goldstein, Paul J., "Drugs and Violent Crime", Report to the National Resource Council Workshop on Drugs and Crime, 1986.
- Inciardi, James A., "Exploring the Drugs/Crime Connection", unpublished paper Division of Criminal Justice, University of Delaware, 1987.

Johnson, Bruce D., Paul Goldstein, Edward Preble, James Schmeidler, Douglas S. Lipton, Barry Spunt, and Thomas Miller, Taking Care of Business: The Economics of Crime By Heroin Abusers. Lexington, MA: Lexington Books, 1985.

Johnston, D., J.G. Bachman, and P.M. O'Malley, Student Drug Use, Attitudes, and Beliefs: National Trends, 1975-1982. Rockville, MD: National Institute on Drug Abuse, 1982.

Kaplan, John, The Hardest Drug: Heroin and Public Policy. Chicago, IL: The University of Chicago Press, 1983.

Kelling, George, James Wilson, "Broken Windows: The Police and Neighborhood Safety," The Atlantic Monthly, March 1982.

-----, T. Pate, D. Dieckman and C.E. Brown, "The Kansas City Preventive Patrol Experiment: A Summary Report," pp 605-657 in G.V. Glass (ed.) Evaluation Studies Review Annual, Volume I, Beverly Hills, CA: Sage, 1976.

Kleiman, Mark A.R., "Allocating Federal Drug Enforcement Resources: The Case of Marijuana," Ph.D. dissertation, Harvard University, 1985a.

-----, "Bringing Back Street-Level Heroin Enforcement," Papers in Progress series, Program in Criminal Justice Policy and Management, John F. Kennedy School of Government, Harvard University, Cambridge, MA, November 14, 1986b.

-----, "Data and Analysis Requirements for Policy toward Drug Enforcement and Organized Crime Control," President's Commission on Organized Crime, published as Appendix G of America's Habit: Drug Abuse, Drug Trafficking, and Organized Crime. Washington, D.C.: Government Printing Office, 1986c.

-----, "Drug Enforcement and Organized Crime: Current Knowledge and Research Prospects," The Politics and Economics of Organized Crime, H. Alexander and G. Calden, eds. Lexington, MA: Lexington Books, 1983.

-----, "Liberalism and Vice Control," Journal of Policy Analysis and Management, Winter, 1987b.

-----, William Holland, and Christopher Hayes, "Report to the District Attorney of Essex County: Evaluation of the Lynn Drug Task Force," Papers in Progress series, Program in Criminal Justice Policy and Management, John F. Kennedy School of Government, Cambridge, MA, October, 1984.

Manning, Peter, The Narc's Game. Cambridge, MA: MIT Press, 1980.

McNevin, Arthur J., "Status Report - 6 Weeks" (internal New York Police Department memorandum), March 1, 1984 (PBMS #0010-9)

- McNevin, "1984 Status Report" (internal New York Police Department memorandum), January 4, 1988 (PBMS #0010-28).
- Miller, J.D., et al., National Survey on Drug Abuse: Main Findings 1982, National Institute on Drug Abuse. Washington, D.C.: Government Printing Office, 1983.
- Moore, Mark H., "An Analytic View of Drug Control Policies," a paper presented to a meeting of The Committee on Problems of Drug Dependence, June, 1977.
- _____, Buy and Bust: The Effective Regulation of an Illicit Market in Heroin. Lexington, MA: D.C. Heath Co., 1976.
- _____, "Criminogenic Substances," Crime and Public Policy, James A. Wilson, ed. San Francisco, CA: ICS Press, 1983.
- _____, "Limiting Supplies of Drugs to Illicit Markets," Journal of Drug Issues, Spring, 1979.
- _____, "Policies to Achieve Discrimination in the Effective Price of Heroin," American Economic Review, May 1973.
- _____, "Reorganization Plan #2 Reviewed: Problems in Implementing a Strategy to Reduce the Supply of Drugs to Illicit Markets in the United States," Public Policy, Spring, 1978.
- National Narcotics Intelligence Consumers Committee, Narcotics Intelligence Estimate: The Supply of Drugs to the U.S. Illicit Market from Foreign and Domestic Sources in 1985 (with Projections Through 1984), Washington, D.C.: October 1986.
- New York City Police Department Crime Analysis Unit, "Complaints and Arrests", monthly statistical report, 1985.
- New York City Criminal Justice Agency, "Operation Pressure Point 1/19/84 - 2/18/84 Final Report on Arrest Characteristics and Criminal Court Outcomes," 1984.
- Nurco, David N., John C. Ball, John W. Shaffer, and Thomas E. Hanlon, "The Criminality of Narcotic Addicts," Journal of Nervous and Mental Disease, 173(2):94-102, 1985.
- O'Donnell, John A., et al., Young Men and Drugs--A Nationwide Survey, National Institute on Drug Abuse Monograph Series No. 5. Washington, D.C.: U.S. Government Printing Office, 1976.
- Packer, Herbert L., The Limits of the Criminal Sanction, Stanford, California, Stanford University Press, 1968, pp. 332-3.

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August 5, 1988

Hon. Charles E. Grassley
United States Senate
Hart Senate Office Building
Room 135
Washington, D.C. 20510

Dear Senator Grassley:

When I testified before the Senate Committee on Judiciary on June 14, 1988, you inquired about the issue of random drug testing of school children. I replied that, in my view, the costs of such testing would be likely to outweigh the benefits.

It occurred to me after the hearing that your question deserved a more precise answer than I was able to provide on the spot.

Several questions of principle and practice could be raised about such programs: questions about searches without probable cause, invasion of privacy, error due to deficiencies in the tests themselves or administrative mistakes (e.g., mislabelling specimens). Put these to one side, and there remains the problem of cost.

There are approximately 18.5 million school children enrolled in public school grades seven through twelve. A program designed to detect or deter drug use would probably require at least one test per month in order to be effective.

Assume that the schools will test for six drugs: cocaine, marijuana, opiates, amphetamines, barbituates and PCP. If school personnel were to conduct the tests, costs would include the chemicals (\$3 per drug or \$18 per test), the purchase of testing equipment (approximately \$15,000 per test site), and the work time of school staff members. It seems more likely that schools would opt for testing by commercial laboratories. Even this option would not eliminate administrative work by school personnel: monitoring urine collection, labelling jars, mailing tests and receiving results, and maintaining second samples in refrigerators for re-tests of students whose urine screened positive.

Commercial laboratories quote an "all-inclusive" price of \$40 per person for each test, or approximately \$400 per student each year. The total cost for testing all students in grades seven through twelve would come to \$7.4 billion per year. That sum is almost 5% of the total public school budget, or nearly 10% of the budget for grades seven through twelve.

The question, then, is whether the resulting reduction in drug use would be a good investment of \$7.4 billion per year, or whether we could get more anti-drug benefits by using that money for other enforcement, prevention, and treatment programs, or for that matter, for other educational programs not narrowly aimed at drug abuse prevention. For example, for substantially less than \$7.4 billion, we could provide intensive pre-school to the entire population of high-risk three-and-four-year olds. The Ypsilanti study demonstrates that intensive pre-schooling is extremely effective in preventing drug abuse and delinquency as well as raising educational levels.

Of course, less expensive testing programs could be devised. Tests could focus on "problem" students and schools, or testing could be administered less frequently. But designing--no less administering--a program of widespread random testing whose benefits cover its costs poses a formidable challenge.

It was an honor to be asked to testify and a pleasure to respond to your penetrating questions. If you would like me to clarify anything I have said, or if you detect some flaw in my reasoning, please let me know.

Very truly yours,

Mark A.R. Kleiman
Lecturer in Public Policy

cc: Senator Edward M. Kennedy



APPENDIX

Bureau of Justice Assistance
Office of Justice Programs

SUMMARY OF DRUG TREATMENT PROGRAMS IN A CORRECTIONAL SETTING

WHAT'S HAPPENING IN STATE DEPARTMENTS OF CORRECTIONS, LOCAL JAILS, PROBATION AND PAROLE AGENCIES TO DEAL WITH THE DRUG EPIDEMIC?

- A. PRISONS AND DRUG TREATMENT
- B. JAILS AND DRUG TREATMENT
- C. PROBATION/PAROLE AND TREATMENT
AS PART OF COMMUNITY SUPERVISION

SUMMARY OF DRUG TREATMENT PROGRAMS IN A CORRECTIONAL SETTING

Nicholas Demos *

A number of states such as Connecticut, New York, California, and Florida initiated innovative drug treatment projects within prisons and community residential settings in the 1970's, when federal funds were plentiful and enthusiasm for treatment concepts were at a fairly high level. Many of the treatment concepts were borrowed from successful (and sometimes not so successful) alcohol treatment programs, as well as the therapeutic community concepts coming out of treatment efforts in the private sector.

However, as funding sources dried up in the late 1970's and early 1980's, and as prison and jail populations escalated, most of these innovative drug treatment efforts disappeared or were overwhelmed with sheer numbers of inmates. (For example, California's major treatment facility became just another prison and its population eventually doubled -- effective drug treatment ceased to be a major focus).

Very few really innovative and validated drug treatment programs survived into the mid-1980's when the Bureau of Justice Assistance initiated planning for its corrections drug treatment programs under the Anti-drug Abuse Act of 1986. Three treatment programs in corrections settings that were identified as successful, and that had some evaluation included:

- * The Stay n' Out Program run by the New York Therapeutic Communities, Inc., New York, at the Arthur Kill facility on Staten Island.
- * The Cornerstone Program, operated on the grounds of the Oregon State Hospital in Salem, Oregon, by the State's Corrections and Mental Health Divisions.
- * The Gateway Foundation Substance Abuse Treatment Project in the Cook County, Illinois, Jail.

Many state prison systems around the country had modest drug and alcohol education activities, self-help groups, and weekly or more frequent meetings of AA or NA groups. None of these later efforts claimed to have any significant impact on heavy users of drugs or persons with serious crime and drug histories.

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Against this background, the Bureau of Justice Assistance set out in 1986 to establish effective drug treatment programs in state departments of corrections and jails across the country, utilizing both the Block Grants and the Discretionary Grants of the Anti-drug Abuse Act, and related federal and state funds supporting drug treatment. The results of that effort to date are set out below.

- A. Prisons and Drug Treatment: The Bureau Joins Forces with NDRI (New York). To initiate statewide efforts of Departments of Corrections, the Bureau joined forces with a state drug research and technical assistance agency, Narcotic and Drug Research, Inc. (NDRI), the not-for-profit arm of the Division of Substance Abuse Services in New York. NDRI had done extensive work with the Department of Correctional Services in New York, and its research and training staff possessed a sophisticated knowledge of which drug treatment programs worked and which did not. As part of the comprehensive briefings to state criminal justice agencies on the new Drug Act, each state received a notebook with papers on successful drug treatment programs, and a Briefing Paper, Interventions that "Work" with Drug-involved Offenders, prepared by Drs. Wexler and Lipton of NDRI.

Drug Treatment Strategies for State Departments of Corrections

In 1986 the Bureau of Justice Assistance initiated a program to encourage comprehensive planning for all state corrections institutions. The Program was divided into two Phases:

Phase I - A six month planning effort during which a state surveys current drug treatment efforts, and defines an overall strategy for drug treatment in all state correctional institutions (institutional and after-care). Narcotic and Drug Research Inc. assists the state's planning efforts and provides training and technical assistance.

Phase II - An 18-month implementation phase in which federal and state funds are used to establish the infrastructure and core elements of the department's corrections drug treatment program.

Six states were initially selected on a competitive basis: Connecticut, New York, Delaware, Florida, Alabama, and New Mexico. Five of these states have completed their planning process and are starting implementation projects, which usually consist of a core therapeutic community (TC) and resource center at a major institution, a series of quasi-TC's in other institutions, and strengthened drug education,

counseling and self-help groups at remaining institutions. In 1988, three new states are being added to the program: New Jersey, Oregon, and Hawaii. We expect to continue the process in future years, adding new Phase I planning states, and awarding implementation grants to the states as they complete their drug treatment strategies. Each state receives approximately \$500,000 in discretionary funds for both phases.

Some State Reports on Drug Treatment

The Florida Department of Corrections plan is a 4-tier treatment approach: Tier 1 provides substance abuse education; Tier 2 offers intensive 4-6 week drug treatment developed under contract to local therapeutic communities (TC's); Tier 3 is an in-house intensive TC; and Tier 4 is assignment to community correctional centers and community treatment after release from prison. A comprehensive training effort is planned and a Resource Center will be developed.

Delaware is developing a Social Learning Center/Therapeutic Community as the hub of a comprehensive drug treatment plan. The treatment will be operated by a private contractor, and staffing will include ex-addict TC graduates. A less intensive program for longer term inmates which would serve as a Resource Center is also planned, with connection to an extensive community corrections component. Training will take place at the Corrections Training Academy.

New Mexico is establishing a TC at the Santa Fe Penitentiary, and two additional modified TCs are being developed in other prisons, based on a cooperative relationship with a major community TC. A network of community providers which will accept corrections referrals and a Trexan monitoring system are under consideration. An extensive training component for correctional, probation and parole staff will be implemented.

Alabama's Department of Corrections has developed a plan for a 48-bed TC, an eight-week, 50-bed inpatient program for recidivating inmates (and feeder for the TC), a pre-release community preparation program, and statewide drug testing. Structured self-help programs are to be implemented at all major institutions.

The Addiction Services Division of the Department of Corrections in Connecticut is opening a 150 bed full-time residential TC at the Fairfield Hills Facility in September, 1988. BJA grant funds will be used for counselors at two other facilities to assess and refer inmates to Fairfield Hills, and two counselors to strengthen the Project FIRE

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(Facilitating Integration and Re-entry Experience) community reentry process for inmates.

Each of the state projects involve urinalysis testing of inmates and parolees, and an evaluation plan with comparable data. Evaluation instruments have been developed by a 4-person team of evaluators under the direction of NDRI, and we expect to have some comparable data on treatment outcomes over the next two-three years.

A number of other states are using both BJA Block Grant and state funds to support a range of less intensive drug education and treatment efforts in their state institutions.

In 1987, BJA also initiated prison drug treatment projects at six separate prisons which were not necessarily related to any statewide strategies. These projects will be brought under the NDRI Technical Assistance "umbrella" this year.

B. Jails and Drug Treatment

With most jails supporting only sporadic meetings of Narcotics Anonymous and Alcoholics Anonymous, or the use of volunteers and self-help groups, effective drug treatment at the jail level is sparse indeed. The Bureau of Justice Assistance is for all practical purpose breaking new ground in this area. However, the movement towards direct-supervision, "new generation" jails in recent years, and the willingness of some local drug treatment agencies to work in a jail setting, laid the base for effective treatment of inmates.

Last year the Bureau started a demonstration program for effective drug treatment in jails, in cooperation with the American Jail Association (Hagerstown, Maryland). Two demonstration jails were funded in 1987 and a third is being added this year, along with regional training sessions for other interested jail officials.

- * The Pima County (Tuscon), Arizona Sheriff's Department and Amity, a local drug treatment agency, have initiated an intensive TC-type treatment program in a wing of the Pima County Jail for sentenced inmates, and the early results appear promising. The project involves cross-training of corrections and treatment staffs, high standards of inmate accountability in work and living areas, and formation of a strong anti-drug culture within the jail pod.

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- * A similar project is getting underway with direct-hire treatment staff in the Hillsborough County (Tampa, Florida) Jail. This project will work with both sentenced and pretrial inmates.
- * The Cook County (Chicago, Illinois) Sheriff's Department will expand its current drug treatment, and become the third demonstration jail in 1988.

The American Jail Association hosts site visits, and supports regional and national training sessions to promote jail drug treatment. All of the jail projects emphasize follow-up services in community drug treatment agencies, whether on a residential (half-way house) or out-patient basis.

C. Upgrading Probation and Parole Supervision of Drug Offenders: The National Narcotics Intervention Project.

Since the vast majority of offenders are under the control of probation or parole agencies (about 2.5/offenders in a year), it is critical to upgrade the ability of state probation and parole officers to supervise drug-dependent offenders. This is especially important because current data indicates that offenders commit four to six times the number of crimes when heavily into drugs as opposed to when they are drug free.

To achieve this goal BJA has entered into an agreement with the American Probation and Parole Association (APPA), and the National Association of Probation Executives to train Probation and Parole executives and trainers in the latest methods of drug testing and drug supervision. A national survey of all probation and parole agencies has been completed, and a training seminar has been developed. Six regional seminars will be held in the fall of 1987 and into 1988. In the meantime, we are rating the major current drug testing technologies, and developing with APPA national standards for drug testing (when? how often? who?).

The most critical element necessary for successful drug intervention is increased availability of drug treatment resources. BJA, the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA), HHS, must make this a priority in 1989 and 1990.

In addition, BJA has developed an Intensive Supervision Probation/Parole Program, with five of the nine projects emphasizing drug offenders. This program also includes national training and technical assistance, and an evaluation component (with control groups). Intensive Supervision shows

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high potential for controlling higher risk offenders in terms of both criminality and drug addiction, though it would be unrealistic to expect that even intensive supervision (at least five contacts per week) and urinalysis eliminates drug addiction in high risk populations.

Summary

Corrections agencies throughout the nation have seen an increasing number and percentage of offenders who have significant drug and alcohol abuse problems, often involving two or more drugs. The number of cocaine addicted inmates has increased rapidly in recent years, and "crack" is now starting to impact on corrections populations.

Our research indicates a dearth of effective drug treatment activities within correctional agencies, and the need for a rapid buildup of drug treatment staffs and special training for corrections officials, ~~is crucial~~. The most expedient way to expand drug services for corrections populations is to link up current private drug treatment agencies with corrections.

The Bureau of Justice Assistance is meeting this need by initiating statewide strategies for state Departments of Corrections (nine states to date) and pilot projects in six separate institutions. At the jail level, we are initiating drug treatment projects in three key jails, and using these as training centers for expansion of drug treatment through use of Block Grant and state and local funds.

In preparation for a proposed rapid expansion of drug treatment projects in 1989 and 1990, Narcotic and Drug Research, Inc., is developing a national training curriculum that will be ready to plug into a national training institute or into regional institutes. In addition, we are exploring the possibility of a combination training program tied to internships at all available and willing therapeutic communities throughout the nation as a means of rapidly expanding both corrections support and treatment staffs.

The Bureau is documenting the best of the current urinalysis testing products and equipment, and developing national standards for use of probation and parole.

Treatment Alternatives to Street Crime (TASC) project are being improved to expand their ability to screen and manage cases. The most successful drug treatment programs are being documented by the National Criminal Justice Association, and this documentation will be available in 1989.

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State and local corrections agencies should be well on their way toward the effective treatment and supervision of drug involved offenders by the early 1990's if the current efforts and related efforts are continued and expanded. The most critical element now is to double the number of residential and out-patient drug treatment slots over the next two-three years.

CORRECTIONS PROGRAMS
OF THE
BUREAU OF JUSTICE ASSISTANCE
OFFICE OF JUSTICE PROGRAMS

NOVEMBER, 1987

Washington, D.C. 20531

SUMMARY OF CORRECTIONS RELATED PROGRAMS OF BUREAU OF JUSTICE ASSISTANCE

General

The Bureau of Justice Assistance (BJA) oversees a wide range of corrections related programs under two separate Acts: The Justice Assistance Act, which is currently completing its third round of funding; and the Narcotics Control Act, which recently completed its first round of funding. Both Acts provide for a Block Grant allocation of 80% to the states, and 20% for Discretionary Program.

In general terms, the Bureau of Justice Assistance has in the pipeline the following allocations for corrections related programs and projects:

- Block Grant projects	\$52.6 Million
- Discretionary Projects	12.5 Million
- Marial Cubans	<u>5.0 Million</u>
Total	\$70.1 Million

Of this total, approximately \$20 million is for corrections projects under the Justice Assistance Act, namely:

- Purpose 7 - Alternatives to Detention
- Purpose 9 - Prison/Jail Crowding
- Purpose 11 - Prison Industries

Approximately \$45 million has been earmarked for corrections projects under the Narcotics Control Act, namely:

- Purpose 4 - Detention and Rehabilitation for Drug Offenders
- Purpose 6 - Treatment of Drug Offenders

BJA also administers two additional programs: (a) A Federal Surplus Real Property Program, which transfers excess and surplus federal lands to state and local governments for correctional purposes; and (b) the Marial Cubans Support Program, which allocates \$5 million annually to help states with Marial Cuban prison populations.

FY 1987

BJA Discretionary Programs (\$12.5 Million)

To carry out a variety of national initiatives and support the Block Grant projects in the states, BJA has initiated a variety of national technical assistance, training, and demonstration programs. There are 15 distinct discretionary programs that can be summarized in the following chart.



Major Technical Assistance/Training Activities

There are two general purpose technical assistance projects and a number of program-specific technical assistance and training activities. BJA and contractor staff make every effort to coordinate all technical assistance activities with related activities at the National Institute of Corrections, and those of affected national professional organizations.

1. General Purpose Technical Assistance Projects:

- EMT Group, Inc. (Washington, D.C., and Sacramento) provides technical assistance to Block Grant and non-Block Grant agencies, particularly related to jail crowding and alternatives, under its Adjudication Technical Assistance Project. This project has been in existence for two years now, and 33 jail-related technical assistance assignments have been completed. The Jail Capacity Program Brief is being revised under this project.
- Correctional Research Institute (Kansas City) is initiating a technical assistance project for narcotics-related Block Grant projects and for special initiatives as directed by BJA. The ACA Corrections Accreditation Program Brief is being completed under this project.

2. Program Specific Technical Assistance Projects:

- National Council on Crime and Delinquency (NCCD) (San Francisco and Madison, Wisconsin) is the technical assistance coordinator for the Prison Capacity Program, serving 14 states. NCCD/Madison also provides technical assistance for the nine jurisdictions in the Intensive Supervision Probation/Parole Program.
- Narcotic and Drug Research, Inc. (NDRI), New York, is coordinating the State Departments of Corrections Drug Treatment Strategy program. NDRI oversees planning grants to six state agencies and implementation grants starting in three of those states in 1988.
- Prison Industries - The American Correctional Association has initiated the Prison Industry Information Clearinghouse which provides both research assistance, hard copy and the Prison Industry Net (PI Net) to assist prison industries in their expansion and management needs. The Institute for Economic and Policy Studies (Alexandria, Virginia) and Criminal Justice Associates (Philadelphia) provide assistance in long-range planning for expanded state prison industries, including seed money for planning to six states.
- American Probation and Parole Association (APPA) - APPA is currently in the organization phase of its national training program for the screening and supervision of drug abusing offenders. Six regional training seminars will be carried out for probation and parole executives and training officers (training the trainers).

- American Jail Association (AJA) - The American Jail Association is coordinating a demonstration program for drug treatment programs that begin in a jail setting and continue under community supervision. Two counties (Tucson and Tampa) have been funded as model sites under that program.

The attached brochures and flyers summarize a number of these programs and provide BJA contacts.

